

GAO

Report to the Committee on the  
Judiciary, U.S. Senate and the  
Committee on the Judiciary, House of  
Representatives

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December 1997

# ILLEGAL IMMIGRATION

## Southwest Border Strategy Results Inconclusive; More Evaluation Needed



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**General Government Division**

B-276689

December 11, 1997

The Honorable Orrin G. Hatch, Chairman  
The Honorable Patrick J. Leahy  
Ranking Minority Member  
Committee on the Judiciary  
United States Senate

The Honorable Henry J. Hyde, Chairman  
The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
House of Representatives

Illegal immigration has been a long-standing problem. The U.S. Department of Justice, Immigration and Naturalization Service (INS) estimated there were about 5 million illegal aliens residing in the United States in October 1996, and their numbers increased at an average rate of about 275,000 per year between October 1992 and October 1996. Congress and states with large illegal immigrant populations have raised concerns about illegal immigrants' fiscal impact on government programs, participation in criminal activities, and overall effect on local economies.

In February 1994, the Attorney General announced a broad, five-part strategy to strengthen enforcement of the nation's immigration laws (see app. I). The strategy's first priority was to deter illegal entry by strengthening border enforcement, particularly along the southwest border of the United States. Since February 1994, the Justice Department and INS—the primary Justice Department agency charged with enforcing the nation's immigration laws—have issued various documents and produced strategies intended to reinforce and better define the Attorney General's overall strategy to deter illegal entry. Within INS, the Border Patrol is responsible for preventing illegal entry along the border between the nation's ports of entry, and the Inspections program is responsible for preventing illegal entry at the ports of entry. For ease of presentation, and unless otherwise noted, we use the term "strategy" in this report to refer to various documents, including policy directives and strategies, that have been issued by the Attorney General, INS' Border Patrol, and INS' Inspections program as well as others.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (1996 Act) mandates us to track, monitor, and evaluate the Attorney General's strategy to deter illegal entry into the United States and to report

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annually for 6 years.<sup>1</sup> As agreed with your committees, this report focuses on the strategy to deter illegal entry along the southwest border. Specifically, the report addresses (1) what the strategy calls for; (2) actions taken to implement the strategy along the southwest border; (3) whether available data confirm the strategy's hypotheses, with respect to expected initial results from the strategy's implementation along the southwest border; and (4) the types of indicators that would be needed to evaluate the Attorney General's strategy to deter illegal entry along the southwest border. Our future reports will address various other aspects of the Attorney General's five-part strategy to deter illegal entry.

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## Results in Brief

To carry out the priority to strengthen the detection of and deterrence to illegal entry along the border, the Attorney General's strategy called for the Border Patrol to (1) allocate additional Border Patrol resources in a four-phased approach starting first with the areas of highest known illegal activity; (2) make maximum use of physical barriers; (3) increase the proportion of time Border Patrol agents spend on border enforcement activities; and (4) identify the appropriate mix of technology, equipment, and personnel needed for the Border Patrol. At ports of entry along the southwest border, the strategy called for the Inspections program to increase inspector staff and use additional technology to increase the deterrence to and detection of illegal entry and improve management of legal traffic and commerce. The strategy also called for implementing sanctions against aliens who attempt fraudulent entry, and using technology.

Since the strategy was issued in 1994, INS has made progress in implementing some, but not all, aspects of the strategy. As of September 1997, the Border Patrol had nearly completed Phase I of its strategy, which was to focus resources in the areas of highest known illegal activity (the San Diego and El Paso sectors) and was moving into phase II, which is to focus resources in the next highest known areas (the Tucson sector and in south Texas). Thus, the Border Patrol has allocated additional agents in general accordance with the strategy. As called for in the strategy, INS had added barriers along the southwest border, although more barriers are reportedly still needed. The strategy also called for increasing border enforcement activity, as measured by the proportion of time Border Patrol agents collectively spent on border enforcement. The total number of hours spent on border enforcement activities in the southwest border sectors has been increasing since 1994 because the

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<sup>1</sup>P.L. 104-208, sec. 107.

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number of Border Patrol agents increased. However, the proportion of time Border Patrol agents at the southwest border collectively spent on border enforcement activities did not increase between 1994 and the first half of 1997; rather the proportion remained the same at about 59 percent. The Border Patrol has not identified the most appropriate mix of staffing and other resources needed for its Border Patrol sectors as called for in the strategy. The Border Patrol is developing a computerized staffing model to help it identify the right mix of staffing and technology.

At the southwest border land ports of entry, INS has added about 800 inspector positions since fiscal year 1994, thereby increasing its on-board strength to about 1,300, as of March 1997. To help achieve its goal of increasing deterrence to illegal entry, INS has also instituted various enforcement initiatives including increased prosecutions of aliens presenting false documents and has been pilot testing various technologies to improve operations. INS has also been planning for the implementation of various border control requirements that Congress mandated in the 1996 Act.<sup>2</sup>

INS and other data indicate that some of the initial results of the strategy's implementation along the southwest border correspond with the expected results stated in the strategy. However, sufficient data were not available for us to determine whether other expected results have occurred. According to the strategy, the concentration of resources in phases would make it more difficult and costly for illegal aliens to cross the border, and many would ultimately be deterred from entering altogether. The strategy expected (1) an eventual reduction in illegal alien apprehensions in areas where control is gained; (2) a shift in the flow of illegal alien traffic from sectors that traditionally accounted for most illegal immigration activity to other sectors; (3) increased attempts to enter illegally through the ports of entry; (4) increases in the costs of illegal alien smuggling, and the use of more sophisticated tactics to smuggle illegal aliens into the country; (5) a decrease in attempted reentries by those who have previously been apprehended; and (6) reduced violence at the border.

INS data indicated that, as a percentage of total apprehensions along the southwest border, apprehensions of illegal aliens have decreased in the two sectors that in 1993 accounted for the most apprehensions and received the first influx of new resources—San Diego and El Paso. In addition, INS' apprehension data and other anecdotal data are consistent

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<sup>2</sup>Provisions in Subtitle A, Title I of the 1996 Act require INS to take several actions to improve enforcement at the border. Appendix II discusses the status of the actions not discussed elsewhere in the report.

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with a shift in attempted illegal entries from the San Diego and El Paso sectors to other sectors and from the traditional entry corridors within the San Diego, El Paso, and Tucson sectors to other locations within those sectors. As the Border Patrol added resources between the ports of entry, some ports along the southwest border experienced increases in aliens using fraudulent documents and making false claims to United States citizenship to attempt to enter the United States, but other ports did not, according to INS data and INS officials. INS intelligence reports and other data suggest that the fees charged by smugglers and the sophistication of smuggling methods have increased since the implementation of the strategy, all indicating, according to INS, an increased difficulty in illegally crossing the border. However, these data do not indicate whether the increased difficulty of entry has deterred the flow of illegal entries into the country, the ultimate goal of the Attorney General's strategy. Data were not available for us to determine whether there had been a decrease in attempted reentries by those who had previously been apprehended. On the basis of available data, we could not determine the extent to which the strategy had reduced border violence.

The Attorney General's strategy for deterring illegal entry across the southwest border envisions three distinct but related results: fewer aliens will be able to cross the border illegally; fewer aliens will try to illegally immigrate into the United States; and, consequently, the number of illegal aliens in the United States will decrease. The information that INS has reported on apprehensions, attempted fraudulent entries at ports of entry and other interim effects, and INS intelligence reports on changes in illegal alien traffic provide only a partial picture of the effects of increased border control. Evaluating the overall effectiveness of the strategy for deterring illegal entry poses complex questions that would require a formal, rigorous plan for (1) collecting and analyzing consistent and reliable data on several different indicators related to the three expected results from the strategy and (2) examining their interrelationships. In addition to the data INS has reported, we identified a variety of other indicators that may be useful in providing information on some aspects of each of the results envisioned by the strategy to illustrate the concept of how a more comprehensive assessment of the border strategy as a whole could be devised.

At present, although the Justice Department believes that systematic evaluation of major programs and initiatives is important, it has no formal evaluation plan to systematically evaluate the effectiveness of the Attorney General's strategy. INS officials told us that they are developing a list of

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indicators that they believe may help INS undertake such an evaluation. However, key aspects of a formal evaluation plan, such as what data will be collected, by whom, and how the overall effectiveness of the strategy will be evaluated have yet to be determined.

Although developing a formal evaluation plan and implementing a rigorous and comprehensive evaluation of the strategy may prove to be both difficult and potentially costly, without such an evaluation the Attorney General and Congress will have no way of knowing whether the billions of dollars invested in reducing illegal immigration have produced the intended results. Developing a formal evaluation plan would be in keeping with the concepts embodied in the Government Performance and Results Act of 1993 (the Results Act) to develop evaluations and performance measures to gauge whether the goals and objectives are being achieved. Although, in response to the Results Act, the Justice Department's draft strategic plan described some specific program goals, strategies, and performance indicators, it did not contain an evaluation component to explain how the Department will assess success in meeting these goals or, more broadly, the effectiveness of the southwest border strategy. A formal evaluation plan would assist Justice in identifying whether INS is implementing the strategy as planned, what aspects of the strategy are most effective, and, if the strategy's goals are not being achieved, the reasons they are not. Such information would help the agency and Congress identify whether changes are needed in the strategy, in policy, in resource levels, or in program management.

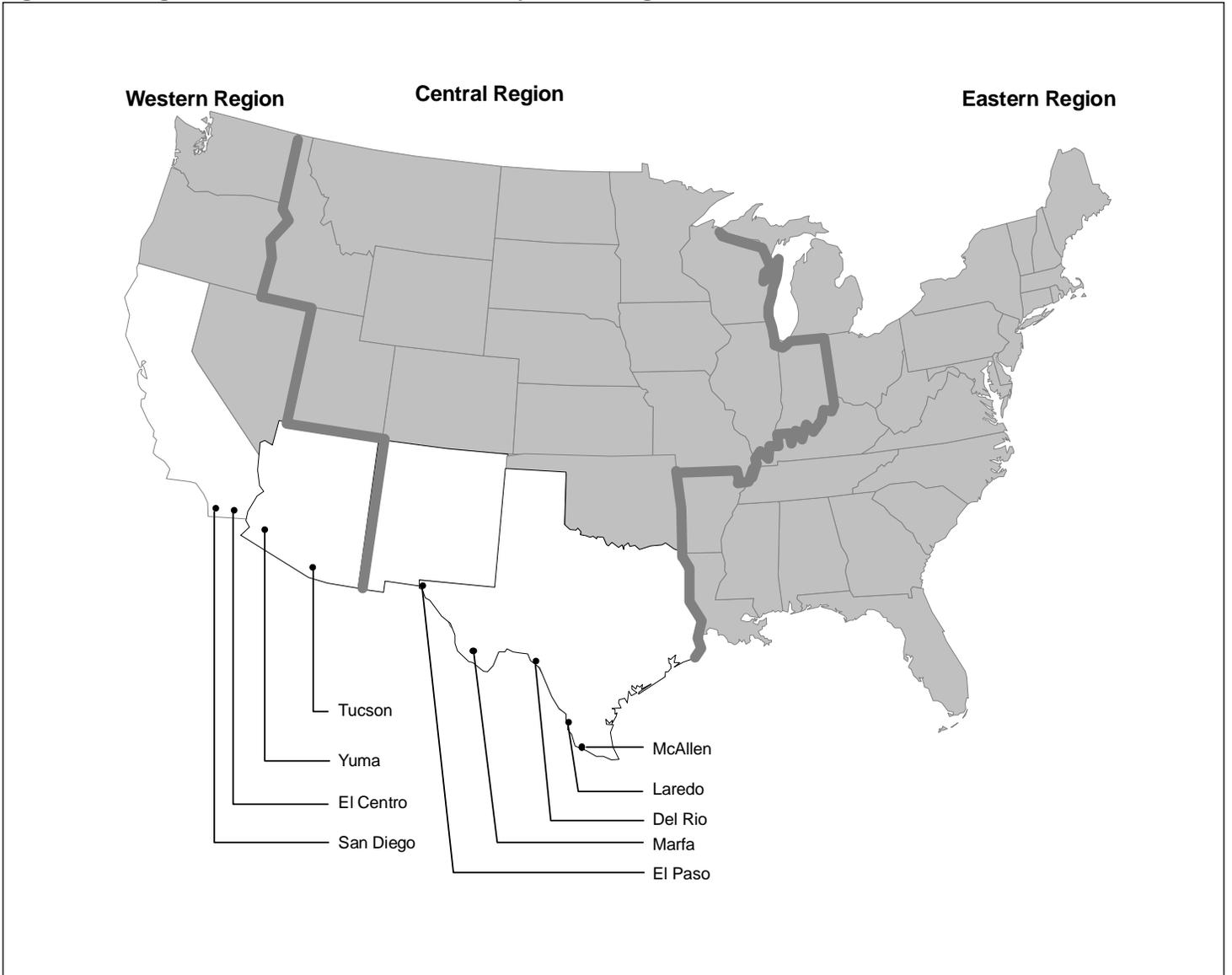
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## Background

INS' overall budget has more than doubled within 5 years, from \$1.5 billion in fiscal year 1993 to \$3.1 billion in fiscal year 1997. INS has spent about \$2.3 billion on border enforcement from fiscal years 1994 through 1997. For fiscal year 1997, the combined budget for INS' Border Patrol and Inspections programs—the two programs responsible for deterring illegal entry along the border—was nearly \$800 million. INS, through other INS programs, provides additional support for the strategy by allocating funds for computer automation, technology procurement, and construction of barriers.

INS' Border Patrol is responsible for preventing and detecting illegal entry along the border between the nation's ports of entry. The Border Patrol has 21 sectors, 9 of which are along the southwest border.

Figure 1: INS Regions and Border Patrol Sector Headquarters Along the Southwest Border



Source: INS.

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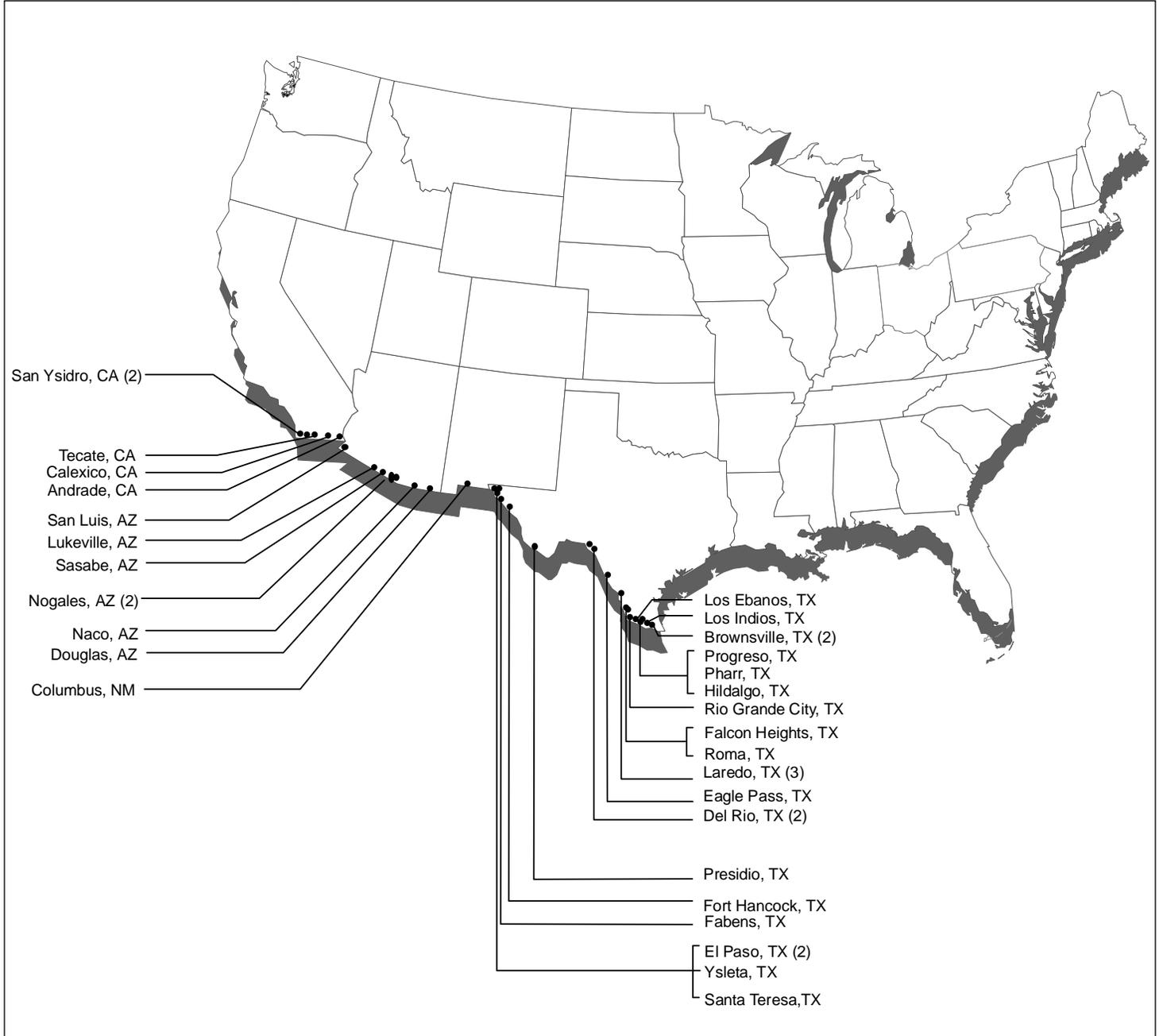
The Border Patrol's appropriations were \$631 million for fiscal year 1997, a 69 percent increase over its \$374 million expenditure for fiscal year 1994. As of July 21, 1997, the Border Patrol had about 6,500 agents nationwide. About 6,000, or 92 percent, were located in the nine sectors along the southwest border. In fiscal year 1996, the Border Patrol apprehended about 1.6 million aliens nationwide, of whom 1.5 million were apprehended in sectors along the southwest border. (Appendix III contains detailed staffing and selected workload data for the Border Patrol.)

INS Inspections and the U.S. Customs Service<sup>3</sup> share responsibility for inspecting all applicants for admission at the U.S. ports of entry. The purpose of their inspections is to prevent the entry of inadmissible applicants by detecting fraudulent documents, including those representing false claims to U.S. citizenship or permanent residence status, and seize conveyances used for illegal entry. Figure 2 depicts INS' 36 land ports of entry along the southwest border.

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<sup>3</sup>Customs and INS inspectors perform inspections at the primary inspection booths at land ports of entry. INS and Customs inspectors are cross-trained and cross-designated to carry out both agencies' inspection responsibilities at U.S. ports of entry.

Figure 2: INS Land Ports of Entry Along the Southwest Border



Note: Some locations have more than one port of entry.

Source: INS.

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As of March 30, 1997, INS Inspections had about 1,300 inspectors at ports of entry along the southwest border. The Inspections' appropriation was \$151 million for fiscal year 1997, a 78 percent increase from its \$85 million expenditure for fiscal year 1994. As of March 15, 1997, the U.S. Customs Service had about 7,400 inspectors nationwide. Of these 7,400 inspectors, 2,200, or 30 percent, were located along the southwest border to inspect individuals and cargo. In fiscal year 1996, INS and Customs inspectors along the southwest border inspected about 280 million people, including 84 million, or 30 percent, who were U.S. citizens. (App. III contains detailed staffing and selected workload data for INS Inspections.)

Within the Department of Justice, the 94 offices of the U.S. Attorneys are responsible for prosecuting individuals charged with committing offenses under U.S. law, including persons who illegally enter the United States. Because the Justice Department determined that it does not have the resources necessary to prosecute all illegal entrants, the U.S. Attorneys located in districts along the southwest border have instituted a policy to focus criminal prosecutions on alien smugglers, and on those aliens without legal documentation who are linked directly to violence and crime in the community. The policy calls for imposing administrative, rather than criminal, sanctions on first-time violators who do not otherwise have criminal histories. In October 1995, the Attorney General appointed the U.S. Attorney for the Southern District of California as her Special Representative for Southwest Border Issues. This collateral responsibility includes coordinating the border law enforcement activities of various Justice Department agencies, including INS, the Drug Enforcement Administration, and the Federal Bureau of Investigation, with the activities undertaken by the Departments of the Treasury and Defense.

The Department of State also has a role in deterring illegal entry along the southwest border. Mexican nationals who seek to visit the United States can obtain a border-crossing card, a type of entry document, from either State Department consulates in Mexico or from INS at ports of entry. According to the State Department, insufficient staffing levels overseas, ineffective interagency cooperation over the exchange of data, and needed computer enhancements all contribute to a weakening of management controls in the visa issuance function.

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## Scope and Methodology

To determine what the Attorney General's strategy to deter illegal entry called for, we reviewed and summarized information on border control strategies, plans, and directives contained in a variety of Justice Department and INS documents related to border control and, because the

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Attorney General had not published a specific strategy for the southwest border, we prepared a summary of these documents (see app. I). Not all of the documents used were specifically identified as “strategy” documents. Justice Department officials reviewed this summary in May 1997 and agreed that it accurately reflected the Attorney General’s strategy and its various components at that time.

To determine what actions had been taken to implement the strategy along the southwest border and whether initial results expected from the strategy’s implementation have occurred, we conducted in-person interviews with officials from six of the nine Border Patrol sectors along the southwest border and telephone interviews with officials from the remaining three sectors.<sup>4</sup> We interviewed INS officials from the five INS district offices responsible for all of the ports of entry along the southwest border, INS Inspections officials from seven ports of entry, and Customs officials from five ports of entry.<sup>5</sup> In addition, we analyzed INS’ Border Patrol and Inspections workload and apprehension data, reviewed documents pertaining to INS’ management priorities, and reviewed INS intelligence reports and previous reports done by us and the Department of Justice’s Inspector General. We did not verify the validity of INS computer generated data related to workload and apprehension statistics. However, we discussed with INS officials their data validation efforts. These officials were confident that the data could be used to accurately portray trends over time. We met with the U.S. Attorney for the Southern District of California, who is also the Attorney General’s Southwest Border Representative, to discuss aspects of the strategy related to prosecuting those that violate immigration laws. We also discussed with INS and State Department officials the status of various border control efforts to deter illegal entry mandated by the 1996 Act. In conjunction with one of these efforts—improvements in border-crossing identification cards—we visited State Department consulates in Ciudad Juarez and Tijuana, Mexico.

To identify indicators that could be used to evaluate the effectiveness of the strategy in deterring illegal entry, we reviewed illegal immigration research studies and interviewed officials from INS and the U.S.

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<sup>4</sup>We visited the Border Patrol sectors in San Diego and El Centro, California; Tucson, Arizona; and El Paso, Laredo, and McAllen, Texas, and held telephone discussions with officials from the Yuma, Arizona, and Del Rio and Marfa, Texas, sectors.

<sup>5</sup>We visited the ports of entry in San Ysidro, Otay Mesa (INS only), and Calexico (INS only) California; Nogales Arizona; and El Paso, Laredo, and Brownsville, Texas. These ports were chosen because they were in locations identified in the strategy as high priority areas.

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Commission on Immigration Reform.<sup>6</sup> We also convened a meeting with a panel of immigration researchers<sup>7</sup> to obtain their views on a range of evaluation issues, such as appropriate indicators of the strategy's outcome, sources of relevant data in addition to INS, the reliability of existing data, and how data should be analyzed.

We did our work between December 1996 and September 1997 in accordance with generally accepted government auditing standards. We requested comments on a draft of this report from the Attorney General, the INS Commissioner, the Acting Customs Commissioner, and the Secretary of State or their designees. On September 16, 1997, the INS Executive Associate Commissioner for Policy and Planning provided us with oral comments, which are discussed near the end of this letter. The Customs Service had no comments on our report and the Department of State provided technical corrections only.

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## The Strategy

In February 1994, the Attorney General announced a five-part strategy to strengthen enforcement of the nation's immigration laws. The strategy included

- strengthening the border,
- removing criminal aliens,
- reforming the asylum process,
- enforcing workplace immigration laws, and
- promoting citizenship for qualified immigrants.

The strategy to strengthen the border called for "prevention through deterrence," that is, to raise the risk of being apprehended for illegal aliens to a point where they would consider it futile to try to enter the United States illegally. The strategy was to involve concentrating new resources on the front lines at the most active points of illegal activity along the southwest border.

To carry out the priority to strengthen the border, the Border Patrol was to, among other things, (1) concentrate personnel and technology resources in a four-phased approach, starting first with the sectors with the highest level of illegal immigration activity (as measured by apprehensions) and moving to the areas with the least activity; (2) make maximum use of physical barriers to deter entry along the border;

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<sup>6</sup>Section 141 of the Immigration Act of 1990 (P.L. 101-649) established the Commission to examine and make recommendations regarding the implementation and impact of U.S. immigration policy.

<sup>7</sup>The names and affiliations of the panel participants are listed in appendix IV.

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(3) increase the proportion of time Border Patrol agents spent on border control activities; and (4) identify the appropriate quantity and mix of technology and personnel needed to control the border.

Recognizing that increased enforcement by the Border Patrol might force some aliens to try to enter the United States illegally through the ports of entry, the strategy calls for INS' Inspections program to increase the number of inspectors and the use of technology to both deter and detect illegal entry and improve management of legal traffic and commerce. For example, to deter illegal entry the strategy called for increasing the number of illegal aliens referred for prosecution and testing automated fingerprint technology to detect inadmissible aliens. To improve management of legal traffic, the strategy called for providing the public with more information so they would be better prepared for the inspection process.

In concert with INS' efforts to deter illegal entry, the strategy calls for increasing felony prosecutions of alien smugglers and those criminal aliens who have repeatedly reentered the United States after having been removed.

In addition, the 1996 Act requires the Attorney General to take additional border control measures to deter illegal entry into the United States. Appendix II discusses the status of these efforts not discussed elsewhere in this report.

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## Implementation of the Strategy

INS has made progress in implementing the Attorney General's strategy to deter illegal entry along the southwest border. In September 1997, Border Patrol officials told us that the Border Patrol had nearly completed phase I of the strategy, which called for allocating Border Patrol resources to the San Diego, California, and El Paso, Texas, sectors. They stated that the Border Patrol was now moving into phase II of the strategy, which called for increasing resources in the Tucson, Arizona, sector and three sectors in south Texas—Del Rio, Laredo, and McAllen. INS officials told us they could not speculate as to when they would complete the remaining aspects of the strategy, that called for focusing resources in the remaining three sectors along the southwest border (phase III) and the sectors along the rest of the U.S. land border and coastal waterways (phase IV).

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As part of phase I of the strategy, in October 1994, INS launched a major initiative in San Diego called Operation Gatekeeper.<sup>8</sup> This multiphase, multiyear operation was designed to reduce illegal immigration into San Diego and to force alien traffic eastward to deter and delay illegal aliens' attempts to reach urban areas. Resources added to the area as a result of Gatekeeper included new Border Patrol agents and support staff, new inspectors at the San Ysidro port of entry, new computers and technology to maximize efficiency, and new resources for the Office of the U.S. Attorney for the Southern District of California to increase its capability to prosecute criminal aliens. Gatekeeper focused first on the area of the greatest illegal immigration activity—the 5-mile stretch of Imperial Beach, California. The next phase, which began in June 1995, included intensified enforcement at the San Ysidro port of entry and the rural parts of the San Diego sector. In December 1994, we reported that on the basis of initial positive results, the strategy appeared encouraging.<sup>9</sup>

In August 1997, INS began the next major phase of its strategy by concentrating resources in the McAllen sector, starting first in Brownsville, Texas. Named Operation Rio Grande, INS plans to add agents and equipment, such as high-powered vision scopes and stadium type lighting, to the McAllen sector to deter illegal entry.

The Border Patrol has generally allocated its additional resources in accordance with the strategy and has made progress in constructing barriers along the southwest border. However, the agents' percentage of time spent on border enforcement has not increased in most southwest border sectors since 1994, and the Border Patrol has yet to determine the best mix of agents and technology on which to base future staffing allocations. INS' Inspections program has deployed additional inspectors to the southwest border and is in the process of pilot testing various technology initiatives designed to deter illegal entry and streamline the inspections process. In addition, the U.S. Attorneys in the five districts along the southwest border increased the number of prosecutions for certain immigration violations.

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<sup>8</sup>In September 1993, prior to the strategy being announced, INS began Operation Hold-the-Line, in El Paso, Texas. In addition, in October 1994, INS began Operation Safeguard in Arizona to respond to the increase in apprehensions there.

<sup>9</sup>Border Control: Revised Strategy Is Showing Some Positive Results, (GAO/GGD-95-30, Dec. 29, 1994).

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**Border Patrol Has Generally Allocated New Agents and Other Resources in Accordance With Strategy**

With some exceptions, the Border Patrol was generally able to allocate its additional resources according to the strategy, allocating first to sectors with the highest level of known illegal immigration activity. In fiscal year 1993, the San Diego and El Paso sectors had the highest levels of apprehensions of illegal immigrants, accounting for 68 percent of all apprehensions along the southwest border. In fiscal year 1994, INS received funding for an additional 350 agents and assigned these new agents to San Diego and El Paso, the sectors with the highest priority. Three hundred agents were allocated to the San Diego sector and 50 to the El Paso sector.

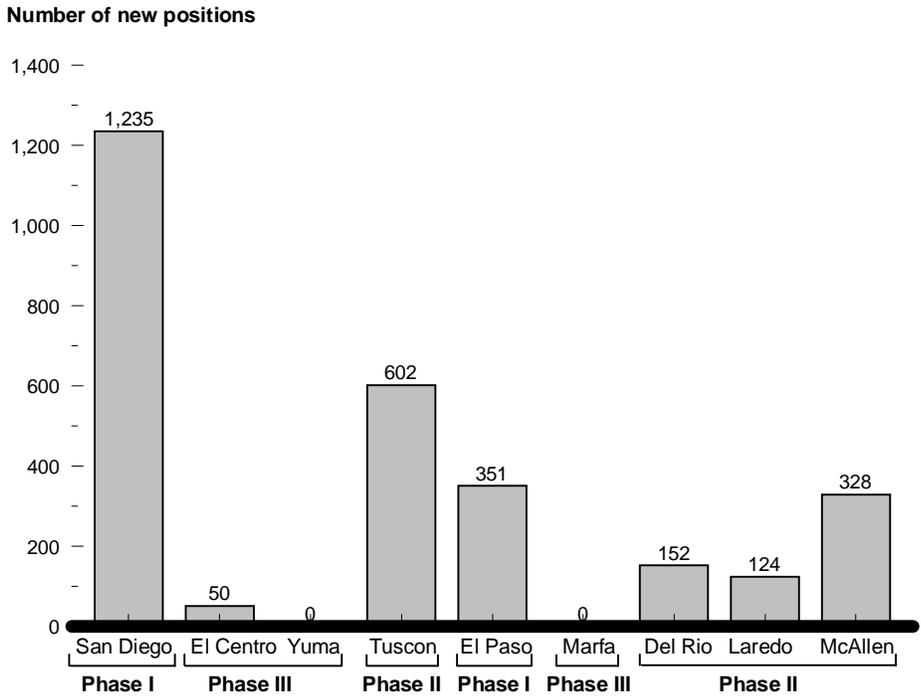
The strategy noted that the Border Patrol needed to be flexible to respond to changing patterns in illegal alien traffic. According to INS officials, the Border Patrol began to notice “almost immediately” an increase in apprehensions in other sectors, particularly Tucson and those in south Texas (Del Rio, McAllen, and Laredo). INS officials attributed this increase in apprehensions in other sectors to a “shift” in the flow of illegal alien traffic as it became more difficult to cross illegally in San Diego and El Paso. Consequently, in fiscal year 1995, the Border Patrol deployed some of the additional agents funded that year and originally planned for San Diego and El Paso to the Tucson and south Texas sectors, the sectors with the next highest priority after San Diego and El Paso.

According to Border Patrol officials, deploying additional agents in a phased manner was a new approach. Prior to the strategy, as additional positions became available, the Border Patrol tried to allocate at least a few additional positions to as many of the 21 sectors as possible. However, under the strategy, 98 percent (or 2,792) of the 2,850 new Border Patrol agent positions nationwide authorized from fiscal year 1994 through fiscal year 1997 have gone to 6 of the 21 Border Patrol sectors.<sup>10</sup> INS allocated 1,235 (about 43 percent) of these positions to the San Diego sector and 351 (about 12 percent) to the El Paso sector, sectors with the highest priority. Nearly all of the remaining 1,264 went to the Tucson and the south Texas sectors, the sectors with the next highest priority (see fig. 3).

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<sup>10</sup>Of 2,850 new positions, 2,842 were authorized for the southwest border and 8 for Puerto Rico.

**Figure 3: Allocation of New Agent Positions by Southwest Border Patrol Sector, Fiscal Years 1994 Through 1997**

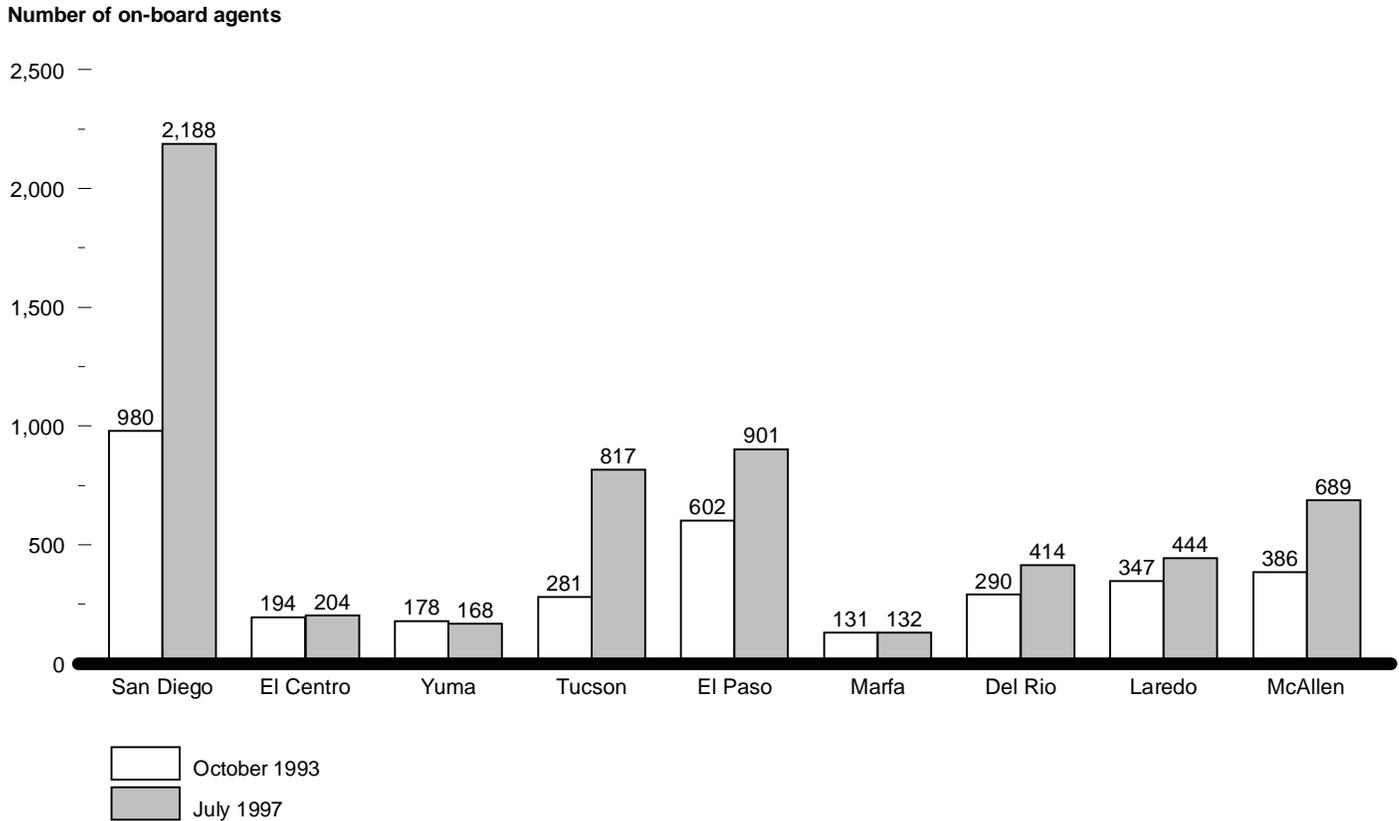


Note: Total number of new agent positions authorized for the southwest border for fiscal years 1994 through 1997 equals 2,842.

Source: INS.

As shown in figure 4, the additional allocations have resulted in an increase in on-board staff in most southwest border sectors. Overall, the number of Border Patrol agents on board along the southwest border increased 76 percent between October 1993 and July 1997.

**Figure 4: Number of On-Board Agents by Southwest Border Patrol Sector, October 1993 Compared With July 1997**



Note: Total on-board agents on the southwest border as of October 1993 equals 3,389. Total on-board agents on the southwest border as of July 1997 equals 5,957.

Source: INS.

To complement the increase in staffing, southwest border sectors have also received additional technology, equipment, and infrastructure improvements in accordance with the Border Patrol strategy. For example, between October 1994 and October 1996, the San Diego sector added almost 5 miles of permanent high-intensity lighting, 8 miles of reinforced steel fencing, 28 infrared scopes (a night-vision device), and 3 helicopters to detect illegal entry. El Paso sector officials told us they received six additional infrared scopes and expected to receive five more

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soon, and in March 1997, the sector completed a 3.5 mile fencing project. INS purchased a building for a new Border Patrol station in Nogales, Arizona, to house the increased number of new agents.

In March 1997, the Border Patrol submitted a 5-year staffing plan to Congress covering fiscal years 1996 through 2000. The plan calls for adding between 1,500 and 2,500 additional Border Patrol agents in fiscal years 1998 through 2000. This is fewer than the 3,000 additional agents whom the 1996 Act authorized INS to hire over the 3-year period because, according to INS officials, they were concerned that their staff was growing faster than they could properly manage and that they did not have an adequate infrastructure (facilities, equipment, training, and supervisory capacity) to absorb 3,000 new agents. INS plans to assign two-thirds of the new agents to Arizona and Texas; the remainder will go to states along the northern border and Gulf Coast.

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## Progress in Installing Barriers Between Ports of Entry

One of the main efforts outlined in the strategy is the “maximum utilization of lighting, fencing, and other barriers” by all sectors, although the strategy did not outline specific barrier projects or miles of fencing to be built. A 1993 border control study, commissioned by the U.S. Office of National Drug Control Policy (Sandia Study), recommended fencing and in some cases vehicle barriers in every southwest border patrol sector to deter illegal entry.<sup>11</sup> While INS has not formally endorsed all of the Sandia Study recommendations, INS Headquarters Border Patrol officials told us that some recommendations, such as erecting 90 miles of barriers along the southwest border, are valid. These officials told us that, while adding barriers is part of the strategy, INS has left it up to each sector chief to propose where and when to build barriers. Seven of the nine sector plans written to carry out the strategy cite the need for barriers to increase agents’ effectiveness in apprehending illegal aliens and reducing crime. According to INS officials, proposals for barrier projects are reviewed in the context of INS’ budget process; require consultation with Congress; and must be coordinated with the U.S. Department of Defense Joint Task Force Six, the military unit that constructs much of the fencing for INS.

Congress has also emphasized the need for additional fencing. The 1996 Act requires the Attorney General, in consultation with the Commissioner of INS, to take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the U.S. border to deter illegal

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<sup>11</sup>Systematic Analysis of the Southwest Border, Sandia National Laboratories, Albuquerque, New Mexico, January 1993.

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crossings in areas of high illegal entry into the United States. In carrying out this provision in the San Diego sector, the 1996 Act requires the Attorney General to provide for second and third fences, in addition to the existing reinforced fence, and for roads between the fences for the 14 miles of the international land border of the United States extending eastward from the Pacific Ocean.<sup>12</sup>

INS has allocated \$8.6 million of its fiscal year 1996 and 1997 appropriations to complete the first two phases of the triple fencing project in the San Diego sector. Of the \$8.6 million allocated, about \$4.3 million had been obligated for expenditure as of July 1997. According to a San Diego sector official, INS is in the process of acquiring the property upon which to build the fencing and conducting environmental assessment reports, before construction can begin in certain areas. Figure 5 depicts bollard-type (concrete cylindrical columns set in a staggered manner) fencing<sup>13</sup> which is being constructed in the area immediately inland from the Pacific Ocean in the San Diego sector.

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<sup>12</sup>Sec. 102(a) and (b).

<sup>13</sup>According to INS officials, the fencing is divided into (1) 1.8 miles of bollard fencing; (2) 1.5 miles of steel mesh fencing, about 15 feet in height; and (3) other type of fencing still in the design phase to cover the remainder of the 14 miles.

Figure 5: Bollard Fencing Being Constructed in San Diego, California



**Insert:** Bollard fencing showing electronic security access gate. Gate is to have mesh-like covering over the openings.

Source: INS.

Prior to 1994, very little substantial fencing existed—about 14 miles of reinforced steel fencing in the San Diego sector. Since the strategy was

announced, INS has built approximately 32 miles of new fencing in five sectors. As of July 1997, nearly 24 miles of additional fencing was under construction. Most of the fencing constructed, under construction, or planned to be built is in the San Diego sector. Currently, no barriers exist or are planned to be built in four Texas sectors (Marfa, Del Rio, Laredo, and McAllen). However, two of these sectors (Laredo and McAllen) had indicated a need for barriers in their sector plans. INS officials cited the need to overcome community concerns as a reason why they have not built more barriers.

**Table 1: Status of Barriers Along the Southwest Border**

<b>Border Patrol sector</b>	<b>Miles built before 1994</b>	<b>Miles built since 1994</b>	<b>Miles under construction</b>	<b>Miles planned</b>
San Diego	14.0	18.7	5.5 <sup>a</sup>	2.0
El Centro	0	3.0	0	3.0
Yuma	0	4.5	0	3.0
Tucson	0	2.0 <sup>b</sup>	3.5	2.0
El Paso	0	3.5	14.0	0
All other sectors <sup>c</sup>	0	0	0	0
<b>Total</b>	<b>14.0</b>	<b>31.7</b>	<b>23.0</b>	<b>10.0</b>

<sup>a</sup>As mandated in the 1996 Act, 14 miles of secondary fencing to supplement the primary border fence is also being built.

<sup>b</sup>Does not include 2 miles of fencing in Naco, Arizona, since INS did not fund the construction.

<sup>c</sup>Includes Marfa, Del Rio, Laredo, and McAllen, Texas sectors.

Source: GAO analysis of INS data.

The majority of the fencing construction along the southwest border has been accomplished by the U.S. Department of Defense Joint Task Force Six and, to a lesser degree, the National Guard. The military provides the personnel to construct the fencing and pays for their salaries, transportation, meals, and housing. INS typically pays for building materials (although steel runway landing mats are provided at no cost because they are military surplus) and other costs, such as equipment rental. INS employees, such as repair and maintenance staff, also help with the construction. In a few instances, private contractors have been hired by INS to construct particular types of fencing, such as the bollard fencing project in the San Diego sector. However, INS officials stated that the use of private contractors is much more costly to INS than using military assistance.

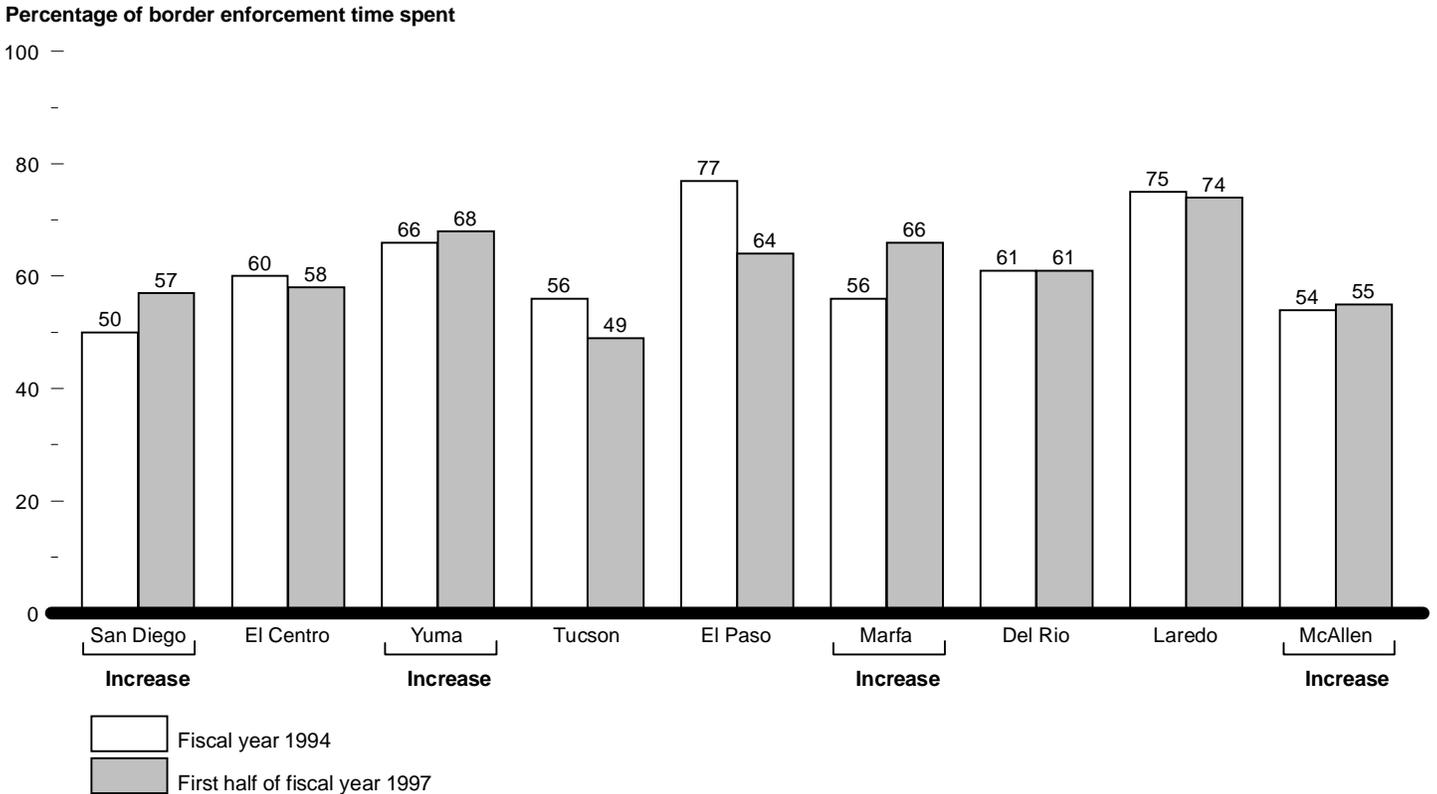
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## Proportion of Time Spent on Border Enforcement Did Not Increase in Most Southwest Border Sectors

The strategy called for an increasing border enforcement activity, as measured by the proportion of time Border Patrol agents spent on border enforcement. According to INS data, agents in the nine sectors along the southwest border collectively spent 59 percent of their total time on border enforcement in the first half of fiscal year 1997, nearly reaching the servicewide goal of 60 percent. However, this proportion of time spent on border enforcement activities was the same as that in fiscal year 1994. Although the proportion of time spent on border enforcement activities did not increase during this period, the total number of hours spent by all Border Patrol agents on border enforcement activities along the southwest border has been increasing since fiscal year 1994, because the overall number of Border Patrol agents assigned to the southwest border sectors increased.

In five of the nine southwest border sectors, the proportion of time that Border Patrol agents spent on border enforcement in the first half of fiscal year 1997 was within 2 percentage points (plus or minus) of what it was in fiscal year 1994. In two sectors, Tucson and El Paso, the proportion of time spent on border enforcement decreased by 7 and 13 percentage points, respectively. In two other sectors, San Diego and Marfa, it increased by 7 and 10 percentage points, respectively (see fig. 6).

**Figure 6: Percentage of Agents' Time Spent on Border Enforcement by Southwest Border Sector, Fiscal Year 1994 Compared With First Half of Fiscal Year 1997**



Source: GAO analysis of INS data.

INS officials reported that an increase in the amount of time spent on program support activities such as supervision, training, and processing apprehended aliens, as well as possible reporting errors, could have hindered increasing the overall percentage of time spent on border control activities. For example, during fiscal year 1994, the El Paso sector spent 20 percent of its time on program support compared with 33 percent during the first half of fiscal year 1997, an increase of 13 percentage points. During this same time period, the Tucson sector's percentage of time on program support increased from 41 percent to 50 percent, an increase of 9 percentage points.

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Consistent with the strategy, southwest border sectors have redirected Border Patrol agents from general enforcement<sup>14</sup> activities back to border control. For example, the San Diego sector reduced the proportion of time spent on general enforcement from 4 percent in fiscal year 1994 to less than 1 percent for the first half of fiscal year 1997. The Marfa sector reduced the proportion of time spent on general enforcement from 14 percent to 2 percent during this same time period. As a result, Marfa increased its border enforcement percentage although it did not receive additional staff during this period.

Servicewide, the proportion of time spent on border enforcement declined from 56 percent in fiscal year 1994 to 50 percent in the first half of fiscal year 1997. Thus, the performance of INS as a whole on this measure declined rather than increased as intended. INS has lowered its expectations regarding the percentage of time, servicewide, that it expects its Border Patrol agents to spend on border enforcement. According to its fiscal year 1998 budget submission, INS' 1998 servicewide goal is for the Border Patrol to spend 56 percent of its time on border enforcement compared with the 60 percent goal for fiscal year 1997.

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### Appropriate Mix of Agents' Staffing and Materiel Resources Had Not Been Determined

The strategy states that it will "seek the best mix of technology and personnel resources to meet the long term goals," and that "improvements in technology will make border control strategies more effective and less resource intensive." The Border Patrol has been increasing its supply of equipment and advanced technologies. The conference report for the fiscal year 1997 Department of Justice Appropriations Act includes \$27 million for infrared scopes, low-light television systems, sensors,<sup>15</sup> and the replacement of three helicopters, including upgraded forward-looking infrared systems.<sup>16</sup> Since 1994, the San Diego sector alone acquired an additional 28 infrared scopes, about 600 underground sensors, about 500 vehicles, about 600 computers, and several advanced computer systems.

The Border Patrol has not identified the most appropriate mix of staffing and other resources needed for its sectors. Headquarters officials told us that sector chiefs may have taken current technological assets into

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<sup>14</sup>General enforcement activities include checking employers for illegal workers and visiting local jails and state prisons to locate and process criminal aliens.

<sup>15</sup>Sensors include devices buried in the ground used to detect either foot or vehicular traffic that may have crossed the border illegally.

<sup>16</sup>Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, P.L. 104-208; H.R. Conf. Rep. 104-863, at 788 (1996).

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consideration when developing their sector staffing proposals. However, according to these officials, sector staffing proposals generally did not include a discussion of the potential impact on staffing needs of adding barriers and/or technology. In addition, when allocating the additional 1,000 Border Patrol agents funded for fiscal year 1997 to the various sectors, the Border Patrol did not formally consider how adding barriers and/or technology would potentially affect staffing needs.

In the 5-Year Border Patrol Deployment Plan submitted to Congress in March 1997, the Border Patrol stated that in fiscal year 1998, it would “assess technology improvements in sensors, scopes, biometrics identification systems, etc., and effects on staffing requirements”; and in fiscal year 1999, it would “implement staffing changes based on technology assessments.” With the help of a contractor, the Border Patrol is currently working on developing a computerized staffing model to help it identify the right mix of staffing and technology. According to Border Patrol officials, the model will allow INS to estimate the impact of different levels of materiel resources on sectors’ staffing levels and effectiveness in apprehending illegal aliens. As of June 1997, the model was being tested in the El Paso sector. INS officials plan to have this model operational in El Paso by December 1997 and in all southwest border sectors by the summer of 1998.

INS headquarters officials told us that they were also testing new technologies, such as weight-sensitive sensors and satellite global positioning systems, to determine their usefulness in Border Patrol operations. They told us that they have yet to determine how these new technologies might be integrated into border control operations and what their impact on agent needs might be.

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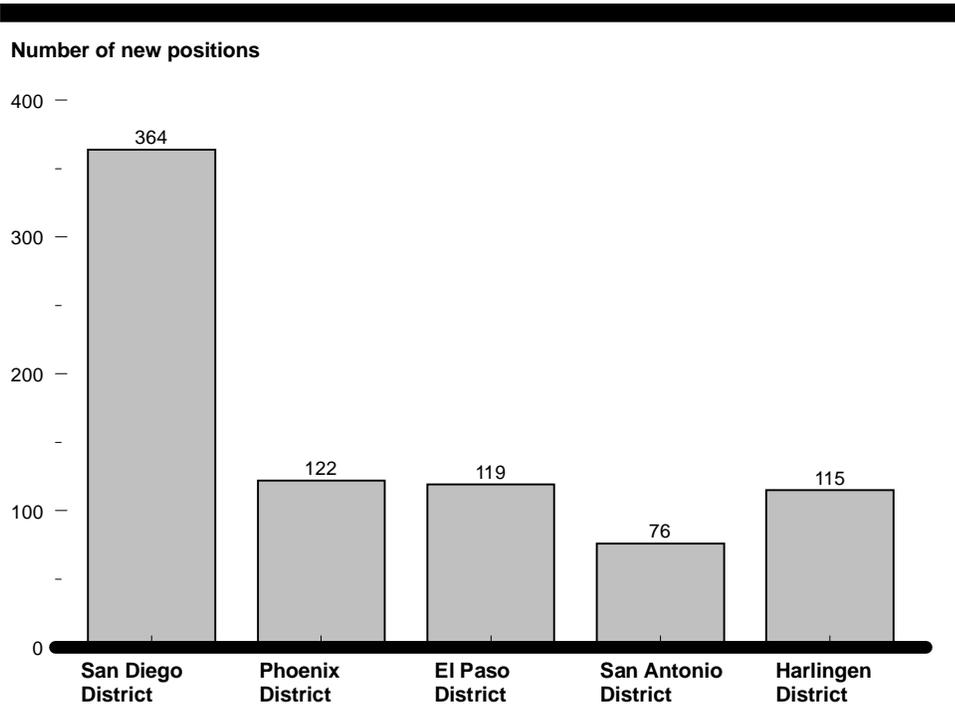
## Resources, Enforcement Initiatives, and Technology Testing Increased at Ports of Entry

The strategy postulated that enhanced enforcement efforts between the ports of entry would cause an increase in port-of-entry activity, including increased attempts to enter through fraudulent means.<sup>17</sup> To handle the increased activity, Congress authorized an increase of about 800 inspectors for southwest ports of entry since 1994 (see fig. 7), almost doubling the number of authorized positions, from about 865 in 1994 to 1,665 in 1997. As of March 1997, 1,275 inspectors were on board at land ports of entry along the southwest border (see fig. 8).

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<sup>17</sup>Fraudulent entries could include persons presenting counterfeit documents or altered immigration documents; persons making a documented false claim of U.S. citizenship, such as presenting a counterfeit U.S. birth certificate; persons making oral false claims to U.S. citizenship; or persons being smuggled through the port of entry concealed in vehicles.

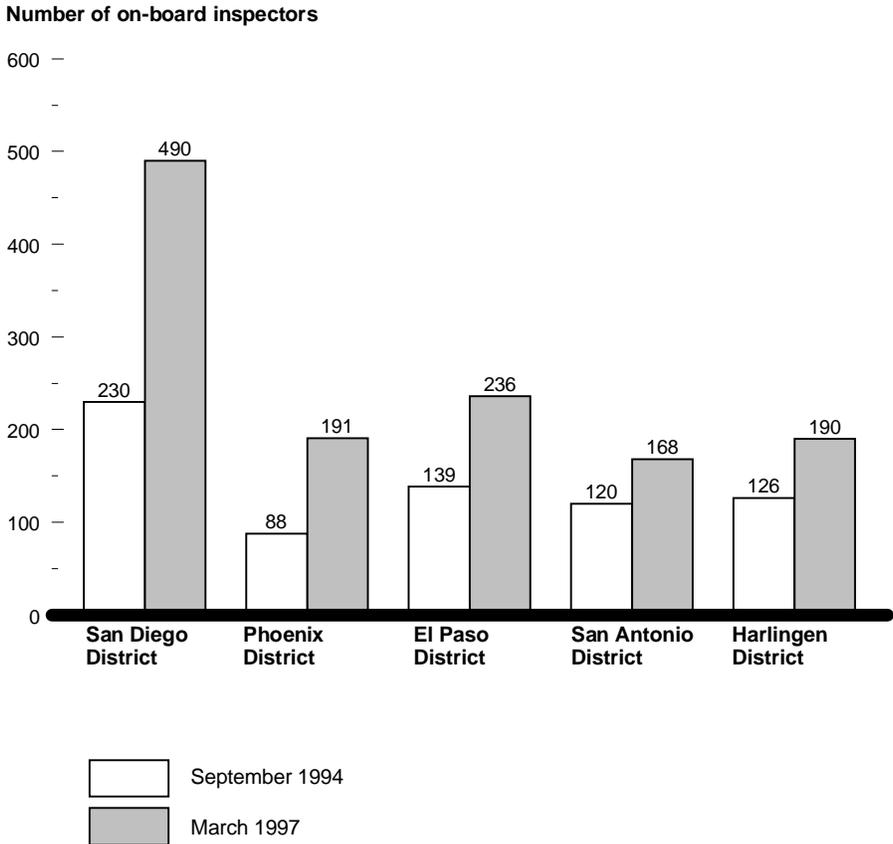
**Figure 7: Allocation of New Inspectors to Land Ports of Entry Along the Southwest Border by INS District Office, Fiscal Years 1994 Through 1997**



Note: Total number of new inspector positions authorized for fiscal years 1994 to 1997 equals 796. Ports of entry fall under the administration of district offices.

Source: INS.

**Figure 8: Number of On-Board Inspectors at Land Ports of Entry Along the Southwest Border by INS District Office, September 1994 Compared With March 1997**



Note: Total number of on-board inspectors on the southwest border as of September 1994 equals 703. Total number of on-board inspectors on the southwest border as of March 1997 equals 1,275. Ports of entry fall under the administration of district offices.

Source: INS.

INS has begun testing a number of programs and systems to increase deterrence to illegal entry and improve and streamline the inspection process. These efforts are intended to prevent illegal aliens and criminal violators from entering the United States and facilitate the entry of legal travelers. To accomplish these objectives, INS is using technology to segment people seeking admission by risk category and forming strategic partnerships with others concerned with border management, such as the

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Customs Service, local communities, and the Mexican government. INS is also planning to measure its effectiveness in detecting illegal entry attempts.

According to port-of-entry officials, the additional INS inspectors have enabled INS to staff more inspection booths at peak hours, and allowed both INS and Customs to increase enforcement efforts and undertake some new initiatives to deter illegal entry. For example, inspectors at some ports of entry are spending more time inspecting vehicles before they reach the inspection booth to detect concealed drugs or smuggled aliens.

INS believes that increased sanctions will result in deterring illegal aliens from attempting to enter the United States fraudulently. In response to an increase in attempted fraudulent entries at ports of entry in the San Diego area, the Justice Department established the first permanent immigration court facility to be located at a port of entry. The "port court," located at the Otay Mesa port of entry, began as a pilot project in July 1995 and was made permanent in October 1995. This program was intended to eliminate costly and time-consuming transportation of aliens to the immigration court in downtown San Diego and allowed for the immediate implementation of the immigration judge's order of exclusion and deportation.

In addition, INS inspectors in San Diego worked with the U.S. Attorney for the Southern District of California to develop a program intended to increase prosecutions of persons attempting to enter the United States fraudulently. However, the ability to prosecute may be hampered by the limited availability of detention space, according to Inspections officials. Provisions in the 1996 Act that took effect April 1, 1997, provide for the expedited removal of certain aliens who attempt fraudulent entry. INS officials believe these provisions may also help deter attempted fraudulent entry.

INS has several pilot projects under way that use technology to try to segregate low- and high-risk traffic and streamline the inspections process. In the San Diego area, a dedicated commuter lane is in operation. INS authorizes certain frequent crossers and their vehicles to enter the United States through a preclearance process. Through an automated photo identification and card system, registered vehicles and occupants can pass through the port of entry quickly.<sup>18</sup> INS is testing other technology,

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<sup>18</sup>INS performs random inspections of vehicles in the dedicated commuter lane, and the use of the lane is not for commercial entry of goods.

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including automated vehicle license-plate readers to check vehicles against law enforcement lookout databases and a system which uses palm prints and fingerprints to verify the identity of individuals in order to reduce passenger processing time.

In addition, according to INS headquarters and most port officials we interviewed, INS and Customs have increased cooperation between their agencies and are working together to manage the ports in a more efficient manner. In 1993, we reported on the lack of cooperation and coordination of border crossing operations as well as a long history of interagency rivalries between INS and Customs.<sup>19</sup> We recommended that the Director of the Office of Management and Budget (OMB), working with the Secretary of the Treasury and the Attorney General, develop and present to Congress a proposal for ending the dual management of border inspections. As a result of our report, INS and Customs formed Port Quality Improvement Committees (PQIC) at selected ports of entry, including some along the southwest border. A 1996 follow-up report on the Vice President's National Performance Review indicated that the PQIC structure encouraged and strengthened cooperation and communication among officers of all federal inspection service personnel.<sup>20</sup> In addition, Customs and INS reviews have found that better coordination and improved services have been achieved through PQICs. Four of the ports we visited (San Ysidro, El Paso, Nogales, and Brownsville) had PQICs and had implemented various cooperative initiatives to facilitate border crossing (e.g., increased cross-training). We did not independently assess whether the PQICs have resulted in better coordination and cooperation between INS and Customs because such an assessment was beyond the scope of this review.

As part of its efforts to measure performance, as required by the Results Act, INS plans full implementation in fiscal year 1998 of a port performance measurement system, which is to include randomly selecting applicants who seek to cross into the United States and processing them through a more rigorous inspection. One of the goals of this system is to project the estimated number of immigration related violations. According to INS headquarters officials, this system will ensure the effectiveness of inspections at the officer level and will allow for evaluation of overall program performance.

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<sup>19</sup>Customs Service and INS: Dual Management Structure for Border Inspections Should Be Ended, (GAO/GGD-93-111, June 30, 1993).

<sup>20</sup>Reengineering United States Primary Passenger Processing, First Year Summary Report, National Performance Review, 1996.

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## Prosecutions

The strategy called for increasing prosecutions for immigration related violations. As part of the strategy, U.S. Attorneys in the five judicial districts contiguous to the southwest border have developed federal prosecution policies to, among other things, target criminal aliens, smugglers, and those who attempt entry by using false documents. The strategy also outlines the expanded use of administrative sanctions through immigration court orders.

U.S. Attorneys in the five districts along the southwest border have increased the number of prosecutions since 1994. For example, in fiscal year 1994, the 5 districts filed about 1,000 cases involving about 1,100 defendants related to 3 major immigration violations.<sup>21</sup> The Justice Department projected that these 5 districts would file about 3,800 such cases in fiscal year 1997, involving over 4,000 defendants, more than tripling the number of cases and defendants.<sup>22</sup> The U.S. Attorney for the Southern District of California, which includes San Diego, projected that his office would file about 1,900 such cases in fiscal year 1997, over 6 times the 290 filed in 1994.

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## Some Anticipated Interim Effects of Strategy Are Occurring

As the strategy along the southwest border is carried out, the Attorney General anticipated the following changes in certain indicators would provide evidence of the interim effectiveness of the strategy:

- (1) an initial increase in the number of illegal aliens apprehended in locations receiving an infusion of Border Patrol resources, followed by a decrease in apprehensions when a “decisive level of resources” has been achieved, indicating that illegal aliens are being deterred from entering;
- (2) a shift in the flow of illegal alien traffic from sectors that traditionally accounted for most illegal immigration activity to other sectors as well as shifts within sectors from urban areas where the enforcement posture was greater to rural areas;
- (3) increased attempts by illegal aliens to enter illegally at the ports of entry, as it becomes more difficult to enter between the ports;

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<sup>21</sup>These are 8 U.S.C. 1324, which provides criminal penalties for bringing in or harboring aliens; 8 U.S.C. 1325, which provides criminal penalties for improper entry by aliens; and 8 U.S.C. 1326, which provides criminal penalties for reentry of an alien after deportation.

<sup>22</sup>Fiscal year 1997 numbers are a straight-line projection based on actual data through the end of March 1997. Fiscal year 1997 actual statistics were not available at the end of our field work.

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(4) an increase in fees charged by alien smugglers to assist illegal aliens in crossing the border and more sophisticated smuggling tactics;

(5) an eventual decrease in attempted reentries by those who have previously been apprehended (recidivism); and

(6) reduced violence at the border.

According to the strategy, changes in the predicted direction on these indicators would be evidence that INS enforcement efforts effectively raised the cost and difficulty of entering the United States illegally. Ultimately, the strategy posits that there would be fewer illegal aliens in the United States and reduced use of social services and benefits by illegal aliens.

Data on the interim effects of the strategy have been collected and reported primarily by INS, and their interpretation is not clear-cut. The available data suggest that some of the predicted changes have occurred. For example, INS data indicate that

(1) there was a period after additional resources were applied to the San Diego sector in which Border Patrol apprehensions increased in the sector and a subsequent period in which apprehensions decreased;

(2) there has been a shift in illegal alien traffic from sectors that traditionally accounted for most illegal immigration activity to other sectors as well as shifts within some sectors;

(3) there were increased numbers of illegal aliens attempting to enter illegally at some ports of entry; and

(4) alien smuggling fees may have increased, and smuggling tactics may have become more sophisticated.

Data were unavailable on whether there has been a decrease in attempted reentries by those who have previously been apprehended, and data on violence at the border were inconclusive.

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## Changes in Illegal Alien Apprehensions

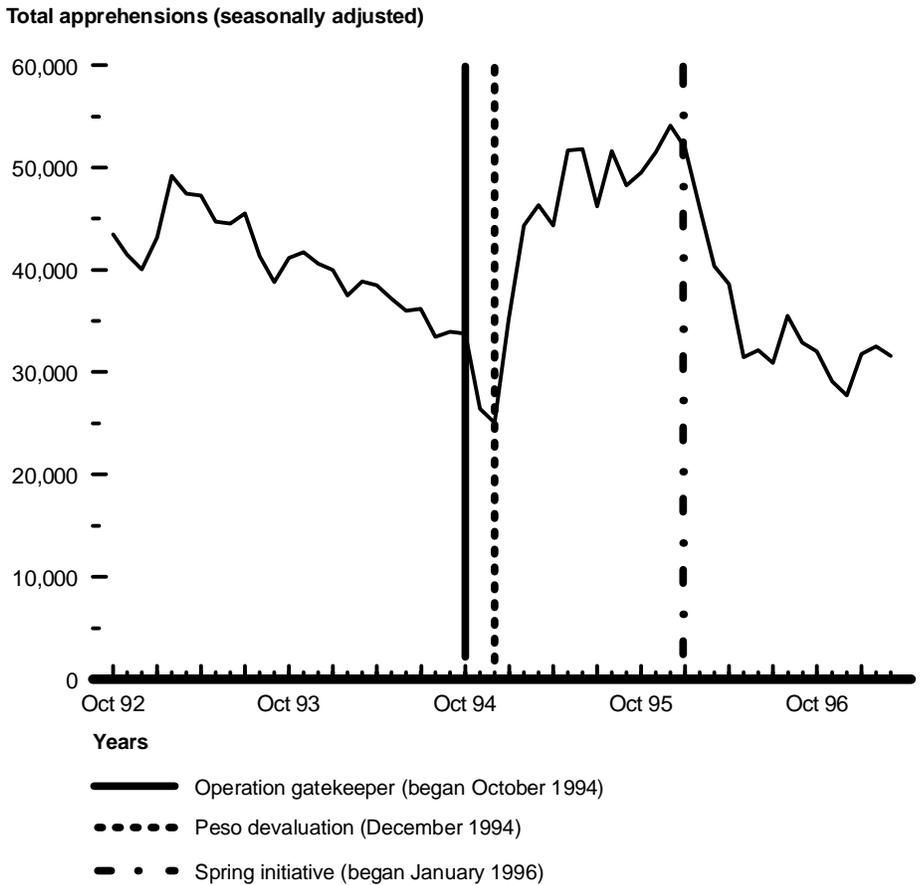
Apprehension statistics are routinely reported by INS, and they are INS' primary quantitative indicator of the results of the strategy. Although an effective strategy should affect apprehensions, apprehension data,

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standing alone, have limited value for determining how many aliens have crossed the border illegally. (A later section discusses the limitations of apprehension data more fully.)

According to INS data for the San Diego sector, after an increase in apprehensions, as resources were applied, sector apprehensions eventually began to decrease. According to an INS analysis of seasonally adjusted San Diego sector apprehension data from October 1992 to March 1997 (see fig. 9), monthly sector apprehensions were on a downward trend from February 1993 through December 1994. In January 1995, 3 months after the sector began applying Operation Gatekeeper resources in the western part of the San Diego sector, apprehensions began increasing. Apprehensions continued to increase for about 1 year. Beginning in January 1996, apprehensions started to decline and continued to do so through March 1997 (the end point of the INS analysis). The last decline in apprehensions coincided with the addition of Border Patrol agents, barriers, and technology to areas of the San Diego sector that were east of the original Gatekeeper effort.

**Figure 9: Apprehensions (Seasonally Adjusted) in the San Diego Border Patrol Sector, October 1992 to March 1997**



Source: INS.

It is difficult to determine whether the increase in apprehensions experienced in 1995 is due to increased enforcement or other factors. In December 1994, the Mexican government devalued the peso. According to INS officials and INS reports, apprehensions in the San Diego sector could have increased in part due to the strategy and in part due to an increase in illegal flow resulting from poor economic conditions in Mexico and the associated devaluation of the peso. It is also difficult to determine whether the decline in apprehensions that began in January 1996 was part of the

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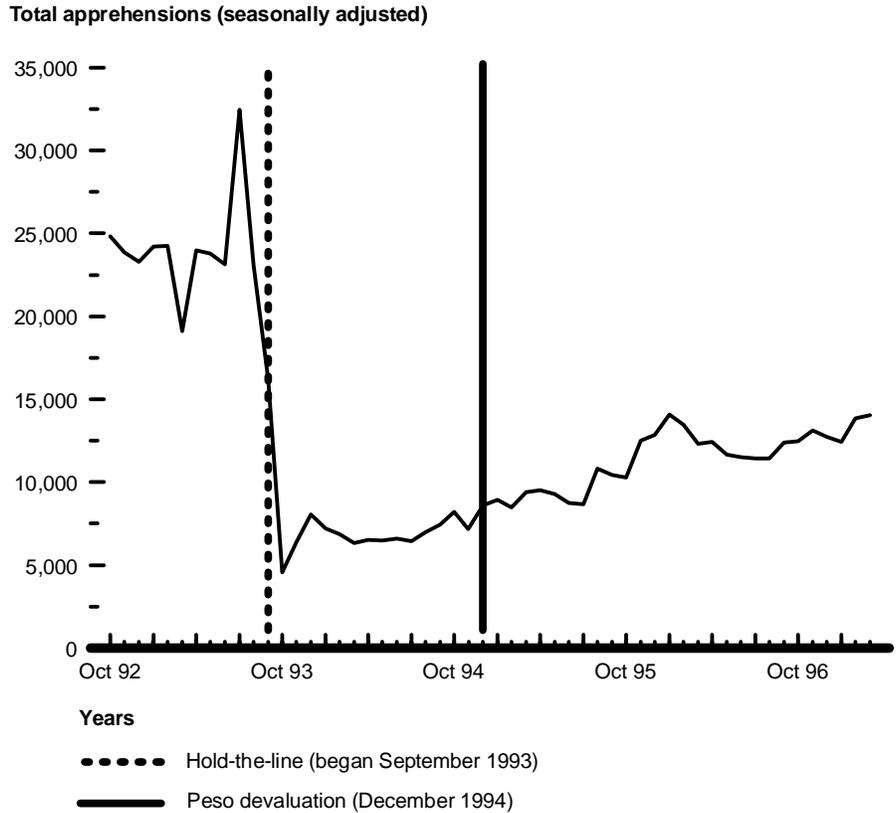
original downward trend predicted by the strategy or a specific result of the spring initiative—INS' 1996 enhancement to Operation Gatekeeper—in which additional resources were applied to the eastern parts of the San Diego sector.<sup>23</sup>

In El Paso, the pattern of apprehensions following implementation of a separate border enforcement initiative, Operation Hold the Line, differed from that of San Diego. In this operation, begun in September 1993, the sector redeployed its agents directly to a 20-mile section of the border in the metropolitan El Paso area adjoining Ciudad Juarez in Mexico and maintained a high-profile presence that was intended to deter illegal aliens from attempting to cross the border. According to an INS analysis of seasonally adjusted apprehension data, apprehensions decreased in the El Paso sector immediately after the initiative was launched, and after declining for a period of 1 month, apprehensions began to increase (see fig. 10). Although the Border Patrol has continued Operation Hold-the-Line and added new agents to the sector between fiscal years 1994 and 1997, apprehension levels began to increase in November 1993, and have generally continued to do so through March 1997, although remaining at levels below those that existed before September 1993.

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<sup>23</sup>In July 1996, the Department of Justice Office of the Inspector General (OIG) began a broad investigation into allegations by members of the Border Patrol union that Operation Gatekeeper was characterized by the manipulation of procedures and data to create the false impression that the initiative had successfully deterred illegal immigration into the San Diego sector. The OIG investigation has been completed, although a report on the results has not yet been issued. In August 1997, OIG officials told us that their report on Gatekeeper, which they expect to issue in November 1997, will not affirm that pervasive falsification of Gatekeeper data occurred.

**Figure 10: Apprehensions (Seasonally Adjusted) in the El Paso Border Patrol Sector, October 1992 to March 1997**



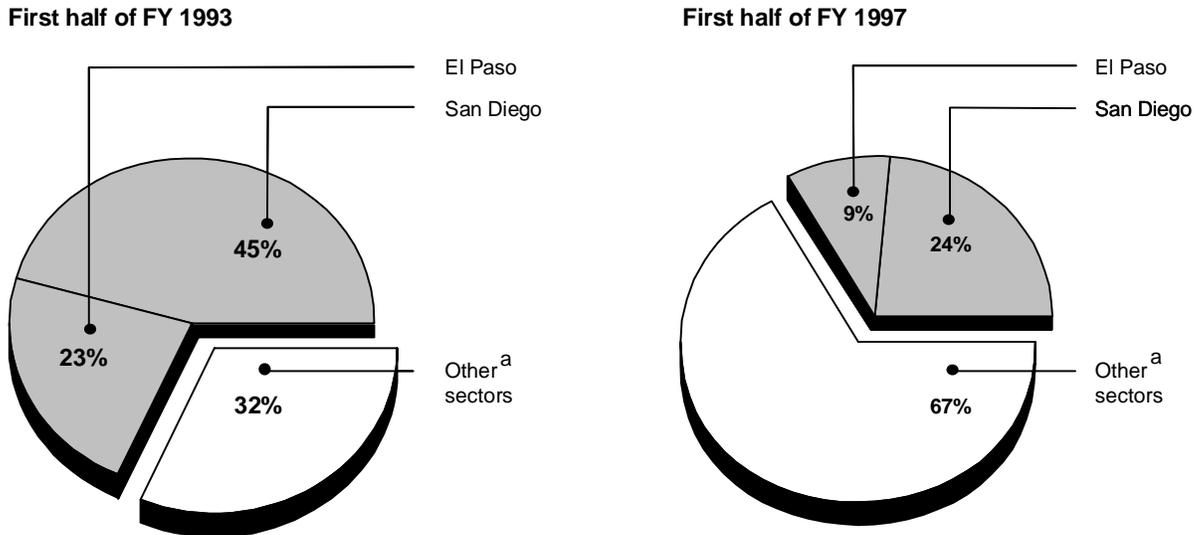
Source: INS.

### Shift in Illegal Alien Traffic

The Border Patrol strategy directed additional enforcement resources first to the San Diego and El Paso sectors, where the majority of illegal entries have historically occurred. INS expected that the flow of illegal alien traffic would shift from San Diego and El Paso to other sectors as control was achieved. Our analysis of INS apprehension data indicate that a shift in apprehensions has occurred. As shown in figure 11, in the first 6 months of fiscal year 1993 the San Diego and El Paso sectors accounted for 68 percent of all southwest border apprehensions. However, during the first 6 months of fiscal year 1997, San Diego and El Paso accounted for 33 percent of all southwest border apprehensions. Other sectors now account for a larger share of the apprehensions. For example, in the first 6 months of fiscal year 1993, the Tucson sector accounted for 7 percent of all southwest border apprehensions. During the first half of fiscal year

1997, the sector's share rose to 19 percent. The proportion of southwest border apprehensions of the three south Texas sectors—McAllen, Laredo, and Del Rio—rose from 19 percent to 37 percent over the same period.

**Figure 11: Apprehensions in San Diego, El Paso, and Other Southwest Border Patrol Sectors, First Half of Fiscal Years 1993 and 1997**



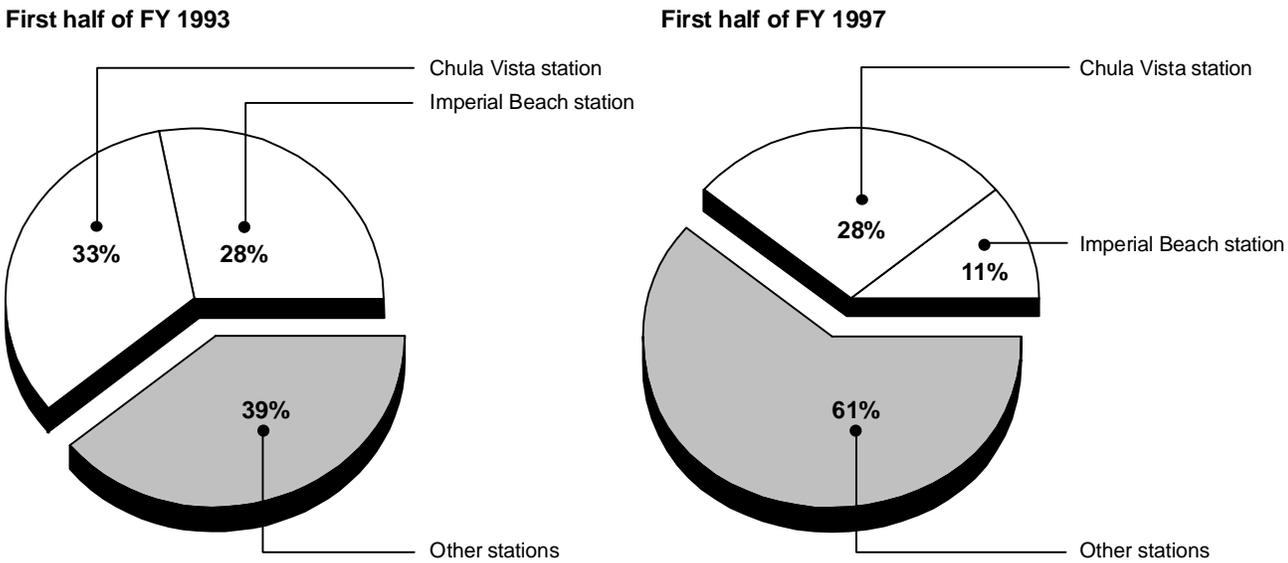
<sup>a</sup>Includes El Centro, Yuma, Tucson, Marfa, Del Rio, Laredo, and McAllen.

Source: GAO analysis of INS data.

The Border Patrol's enforcement posture aimed to reduce illegal entries into large urban areas, thereby, forcing illegal alien traffic to use rural routes where the Border Patrol believes it has a tactical advantage. Our analysis of INS apprehension data shows that within the San Diego, El Paso, and Tucson sectors, apprehensions have decreased in areas that have received greater concentrations of enforcement resources and increased in more remote areas. As shown in figure 12, in the San Diego sector, the stations of Imperial Beach and Chula Vista, which provide the shortest established routes to urban San Diego, accounted for 61 percent

of the sector apprehensions in the first half of fiscal year 1993.<sup>24</sup> In the first half of fiscal year 1997, these two stations accounted for 39 percent of the sector’s apprehensions. Conversely, in the other stations, largely in rural sections of the sector, the share of total apprehensions increased from 39 percent to 61 percent over the same time period.

**Figure 12 : Apprehensions by Border Patrol Stations in the San Diego Sector, First Half of Fiscal Years 1993 and 1997**



Source: GAO analysis of INS data.

In the El Paso sector, the proportion of apprehensions in the urban El Paso station dropped from 79 percent of all sector apprehensions in the first 6 months of fiscal year 1993, to 30 percent in the first 6 months of fiscal year 1997, as shown in figure 13. A 1994 study commissioned by the U.S. Commission on Immigration Reform concluded that Operation Hold-the-Line appeared to have substantially deterred some types of illegal

<sup>24</sup>The nine Border Patrol sectors along the southwest border are each divided into a number of stations, with responsibility for a section of the border or a geographic area further in the interior of the United States. Most sectors also maintain several checkpoints along major highways, designed to intercept aliens who have eluded agents along the border.

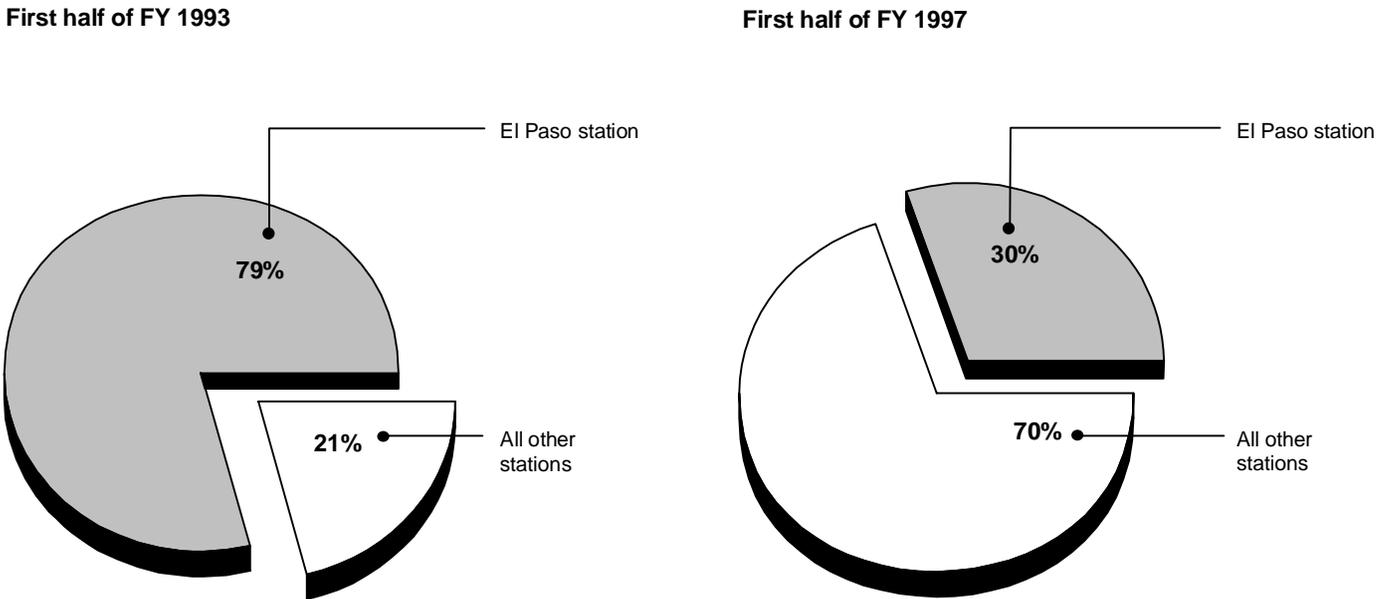
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crossers but not others.<sup>25</sup> Using official statistics on apprehensions and crossings at the ports of entry (e.g., police and crime data, birth and hospital data, education and school attendance statistics, sales tax and general sales data) and qualitative information from in-depth interviews with government officials and persons at border crossing sites in El Paso and Ciudad Juarez, the study concluded that the operation had been more successful in curtailing illegal immigration among aliens who crossed illegally from Ciudad Juarez to engage in illegal work or criminal activity in El Paso (local crossers) than among aliens who crossed at El Paso but were headed for other U.S. destinations (long-distance labor migrants). According to the study, a substantial amount of long-distance labor migration appeared to have been diverted to other locations along the southwest border. Border Patrol officials in the El Paso sector told us in March 1997 that the majority of illegal aliens entering the sector were long-distance migrants, so they believed that their enforcement efforts were continuing to deter local crossers.

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<sup>25</sup>F.D. Bean, R. Chanove, R.G. Cushing, R. de la Garza, G.P. Freeman, C.W. Haynes, & D. Spener, Illegal Mexican Migration & the United States/Mexico Border: The Effects of Operation Hold-the-Line on El Paso/Juarez (Austin, TX: Population Research Center, University of Texas at Austin, and U.S. Commission on Immigration Reform), July 1994.

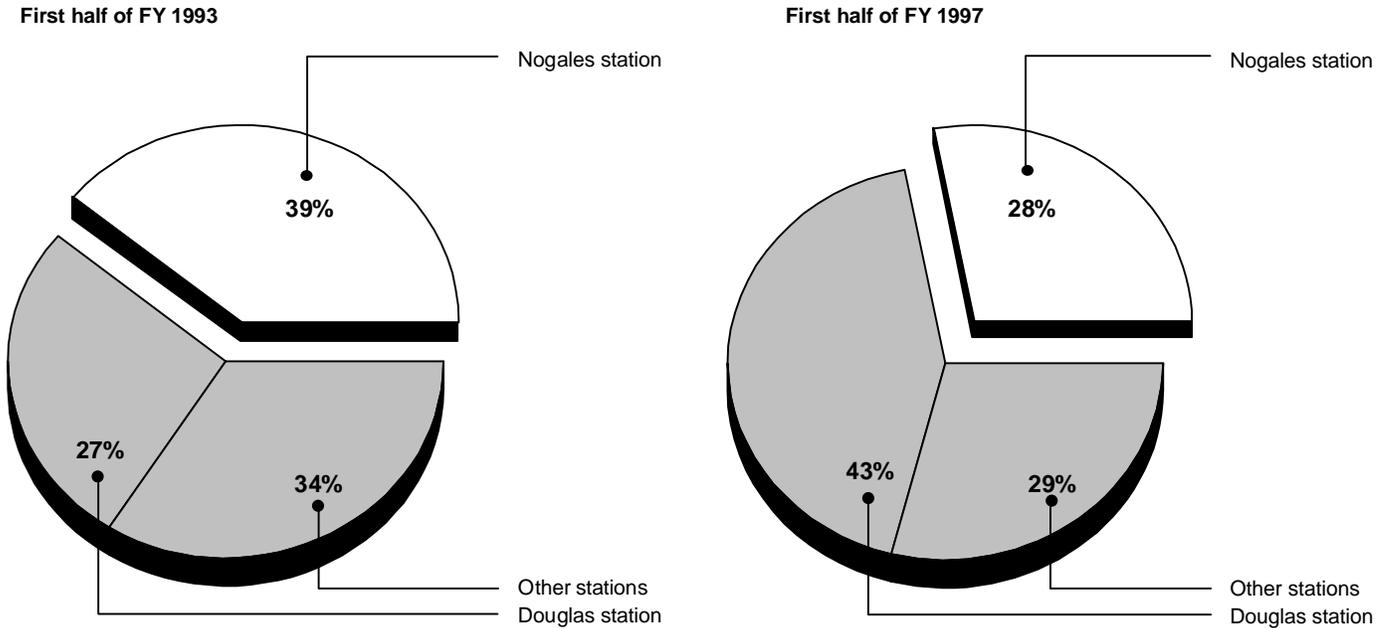
Figure 13: Apprehensions by Border Patrol Station in the El Paso Sector, First Half of Fiscal Years 1993 and 1997



Source: GAO analysis of INS data.

Apprehension data also provide some support that a shift occurred in illegal alien traffic from the urban area of Nogales, Arizona, targeted by the Border Patrol in the first phase of its enforcement strategy in the Tucson sector, to other stations in the sector. As shown in figure 14, in the first 6 months of fiscal year 1993, the Nogales station accounted for 39 percent of all sector apprehensions. In the first 6 months of fiscal year 1997, the station accounted for 28 percent of all sector apprehensions. Over this same period, apprehensions have increased in the city of Douglas, Arizona, from 27 percent to 43 percent of all sector apprehensions.

Figure 14: Apprehensions by Border Patrol Station in the Tucson Sector, First Half of Fiscal Years 1993 and 1997



Source: GAO analysis of INS data.

Other information also indicates that there has been a shift in alien traffic. According to an INS report on Operation Gatekeeper, data from INS' automated fingerprinting system, known as IDENT, showed that illegal aliens were less likely to try to cross in Imperial Beach in January 1995 than in October 1994. According to an April 1996 report summarizing the results from an INS Intelligence conference held in the Del Rio sector, potential illegal aliens had been channeled away from the U.S. urban areas on the southwest border to more inhospitable areas. The report stated that a sizeable number of apprehensions were being made in extremely desolate areas of the border, and this was taken to be an indication that illegal aliens were trying to avoid Border Patrol deployments. However, according to the report, INS lacked the resources to apprehend aliens traversing the remote areas. The report suggested that the Border Patrol should not abandon its high-visibility deterrent posture in the urban areas

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to respond to the remote areas because it would encourage a return to the earlier entry patterns.

According to some INS sector officials, shifts in illegal alien traffic have had a negative effect in their sectors. For example, according to a January 1997 Laredo sector report, continued media coverage of Operations Hold-the-Line and Gatekeeper have discouraged entries in those areas and made Laredo vulnerable to would-be crossers. Border Patrol officials in the Del Rio sector told us in May 1997 that because of substantial increases in illegal alien entry attempts and limited resources, the sector had limited success in controlling the two main corridors within the sector. According to INS headquarters officials, such shifts in illegal traffic are not failures of the strategy; rather, they are interim effects.

The strategy has also produced some effects that INS did not anticipate. INS officials told us that they were in some cases caught unaware by some of the changes in illegal alien traffic and the tactics of illegal crossers. For example, INS Western Region officials told us that the increases in illegal alien traffic that they predicted would occur in the Tucson, Arizona, and McAllen, Texas, sectors happened earlier than they expected. According to these officials and San Diego sector officials, the mountains in the eastern section of the San Diego sector were expected to serve as a natural barrier to entry. They were surprised when illegal aliens attempted to cross in this difficult terrain as it became more difficult to cross in the urban sections of the sector.

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### Changes in Illegal Entry Attempts at Ports of Entry

The strategy anticipated increases in the flow of illegal traffic through the ports of entry as it became more difficult to cross between the ports. According to INS regional and district officials, some of these anticipated increases had begun to occur. Officials from the San Diego district told us that they had seen large increases in attempts to enter the United States using fraudulent documents or making false claims to U.S. citizenship immediately following the increase of resources to the Border Patrol in the San Diego sector. According to San Diego district inspections data, the number of fraudulent documents intercepted increased about 11 percent from fiscal year 1994 to 1995 (from about 42,000 to about 46,500), and the number of false claims to U.S. citizenship increased 26 percent (from about 15,400 to about 19,400). Officials in El Paso told us they uncovered more fraudulent documents after the initiation of Operation Hold-the-Line. El Paso district inspections data show a steady increase in the number of fraudulent documents intercepted from fiscal year 1994 (about

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8,200) through fiscal year 1996 (about 11,000). The Del Rio intelligence conference report stated that Border Patrol enforcement efforts had forced more people to attempt entry fraudulently through the ports of entry. Officials from the Phoenix district, however, told us that they had not seen any significant change in the number of fraudulent documents intercepted at Arizona ports of entry, as the Border Patrol resources increased in the Tucson, Arizona sector.

INS Western Region and San Diego District officials told us that they had not expected the volume of people trying to enter illegally at the ports of entry in the San Diego areas to be as large as it was after Operation Gatekeeper or the tactics illegal aliens chose to try to get past the inspectors. For example, at various times during 1995, illegal aliens gathered at the entrance to the San Ysidro port of entry and attempted to overwhelm inspectors by running in large groups through the port. INS created emergency response teams at the port to deal with these unexpected tactics and added bollards and other physical barriers to make unimpeded passage more difficult. In addition, INS asked Mexican government officials to help prevent large gatherings on the Mexican side of the border. During our visit to San Ysidro in March 1997, INS officials told us that due to these actions, large groups of port-runners were no longer a problem.

It is difficult to determine whether the increases in number of fraudulent documents intercepted and false claims to U.S. citizenship were a result of actual increases in illegal entry attempts at the ports or greater efforts made to detect fraud. The 1994 U.S. Commission on Immigration Reform evaluation of Operation Hold-the-Line noted that INS inspectors at the ports of entry in El Paso began checking documents more closely after the Border Patrol instituted the operation, which may have contributed to the increase in recorded illegal entry attempts.<sup>26</sup>

INS headquarters officials disagreed with these findings. They stated that they believed that inspectors in El Paso were exposed to heavier traffic flows after the operation began and, therefore, inspectors could have compensated for the increased workload by doing more cursory reviews of documents. These headquarters officials stated that increases in detected fraud reflected actual increases in fraudulent entry attempts, which were a response to heightened enforcement between the ports of entry caused by the Border Patrol's implementation of Operation Hold-the-Line.

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<sup>26</sup>Bean et al, p. 116.

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## Alien Smuggling

INS expected that if successful, its enforcement efforts along the southwest border would make it more difficult and costly for illegal aliens and alien smugglers to cross the border. INS postulated that this should be reflected in higher fees charged by alien smugglers and more sophisticated tactics used by smugglers to evade capture by INS.

Fees charged by smugglers, and the sophistication of smuggling methods have reportedly increased since fiscal year 1994. On the basis of testimony of the U.S. Attorney for Southern California, INS evaluation reports on enforcement efforts in San Diego, and INS intelligence reports, fees paid by illegal aliens to smugglers have increased substantially. Fees for smuggling illegal aliens across the southwest border have reportedly tripled in some instances and may be as high as several thousand dollars for transportation to the interior of the United States.

Intelligence assessments by INS' Central Region in April and October 1996 concluded that smugglers had become more sophisticated in their methods of operation. The assessments said that smugglers were more organized and were transporting aliens further into the interior of the United States. Similarly, officials from the U.S. Commission on Immigration Reform told us that their examination of alien smuggling along the southwest border indicated a trend toward more organized smuggling.

INS sector officials and documents have reported that changes in alien smuggling patterns may be having a negative impact in some sectors. According to a June 1996 Laredo sector intelligence assessment, due to the success of Operation Gatekeeper and Operation Hold-the-Line, as well as increased personnel in the McAllen sector, alien smuggling had increased in the sector. The assessment further stated that limited manpower caused deterrence to be "negligible" and, consequently, alien smugglers crossed virtually at any point along the Rio Grande River beyond the area where the sector focused its enforcement resources. According to the report from the Del Rio intelligence conference, the increased use of organized smuggling may make INS' mission more difficult. For example, most of the alien smuggling organizations were reportedly "long-haul" groups transporting aliens to interior work sites via interstate highways. In addition, according to the report, many of the smuggling organizations that used to be headquartered in the United States moved their operations out of the United States, which may make prosecution of the principal leaders of these organizations more difficult.

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## Recidivism

The strategy anticipated eventual reductions in apprehensions of illegal aliens who had previously been apprehended, as control was gained in particular locations. According to INS, reductions in recidivism in these locations would indicate that some illegal aliens are being deterred from entering. INS has plans to use IDENT, its automated fingerprinting system, to identify recidivists and analyze their crossing patterns. However, due to the length of time that it is taking INS to deploy the IDENT system in field locations, difficulties in getting agents to use IDENT or use it properly, and computer problems, IDENT to date has provided limited information on recidivism.

According to INS' fiscal year 1998 budget request, IDENT systems were to be installed in 158 fixed locations along the southwest border by the end of fiscal year 1997. As of October 1, 1997, however, only 140 of these locations had an IDENT system in place. Of the nine southwest border sectors, only the San Diego and El Centro sectors had an IDENT system installed in every fixed location. Even when IDENT has been installed, according to INS sector officials, it has not always been put in locations where aliens are apprehended. One of the reasons given for not installing IDENT in these locations is that it depends on telephone hookup to a central database, but aliens are not necessarily apprehended where such telephone communications exist. As a result, many apprehended aliens have not been entered into IDENT and whether they are recidivists cannot be readily determined.

Further, according to INS Headquarters officials, even when agents have access to IDENT, they don't always use all the system capabilities to identify recidivists. This reportedly occurs when agents input information on apprehended aliens into IDENT at the end of their work shift. In such a case, agents may input apprehended aliens into the system but leave without determining whether the alien is a recidivist, because doing so would require additional time for further processing. In addition, if agents don't use the IDENT equipment properly (e.g., they do not clean the platen, which records the fingerprint), they may obtain poor quality fingerprints from apprehended aliens. This can result in a failure to identify aliens as recidivists. These situations have been acknowledged as problems by INS, but the frequency of their occurrence is not known.

Finally, computer problems have affected the usefulness of IDENT data and INS' ability to track recidivism over several years. The first year of IDENT data, which were collected in fiscal year 1995, is not comparable with data collected in later years because of changes made to the software

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at the end of 1995. Accordingly, data collected since January 1996 can be used as a baseline for assessing the effects of the southwest border strategy, but data collected prior to then cannot be used. In addition, computer problems arose in fiscal year 1996, affecting the ability of IDENT to accurately read apprehension dates and times recorded by agents and to match poor quality fingerprints within the system. INS officials told us these problems have been corrected and the data have been reprocessed, validated, verified, and are more consistent. INS officials told us that although IDENT data gathered since January 1996 are reliable and accurate, they have not yet been analyzed to examine trends in recidivism.

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## Changes in Violence at the Border

The strategy anticipated a reduction in border violence as border control was achieved. INS officials told us that they anticipated that crime would decline in those sections of the border where INS invested more enforcement resources.

The results on this indicator are inconclusive. In November 1996, INS officials reported that crime statistics for the San Diego area showed that property crime rates and violent crime rates dropped between 1994 and 1995, after the infusion of resources in the sector. The decreases exceeded decreases reported for the same time period for the state of California and the nation as a whole. However, property and violent crime rates were decreasing in San Diego prior to the infusion of resources. In addition, according to FBI crime statistics, the crime rate for Imperial Beach, the area that received the greatest infusion of Border Patrol agents in the San Diego sector, was 19 percent lower from January to June of 1996 compared with the same period in 1992. However, this decrease was smaller than the 32 percent decrease for the San Diego region as a whole.

According to an official in the Executive Office for the U.S. Attorneys, the Executive Office as well as local law enforcement leaders believe that a more secure border is a material element in the reduction of crime in San Diego. In addition, according to this official and INS officials, there has been a significant drop in violence against aliens crossing the border illegally due to the Mexican government establishing a special group to patrol its side of the border. According to the Executive Office official, enhanced coordination between the group and U.S. authorities has had a profound and positive impact on the level of violence.

The U.S. Commission on Immigration Reform, in its 1994 evaluation of Operation Hold-the-Line, examined statistics for a number of different

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types of crimes in El Paso and the age groups involved in committing the crimes. The evaluation found that certain types of petty crime and property crime committed by young adults and juveniles had declined in El Paso after the implementation of the operation. However, the evaluation report said that the declines were neither statistically significant nor greater than drops that had occurred in previous years.

Furthermore, linking changes in crime rates to border enforcement efforts is problematic because there are often no data available on whether arrested offenders have entered the country illegally. Without this information, it is difficult to determine what proportion of the reported declines in crime rates may be due to changes in the number of illegal aliens arrested for criminal activity.

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## Formal Evaluation Based on Multiple Indicators Would Be Needed to Assess Effectiveness of the Attorney General's Strategy

The Attorney General's strategy for deterring illegal entry across the southwest border envisions three distinct but related results: fewer aliens will be able to cross the border illegally; fewer aliens will try to illegally immigrate into the United States; and, consequently, the number of illegal aliens in the United States will decrease. However, the indicators presently used for measuring the overall success of the strategy are not sufficiently comprehensive to address these three distinct results, and, in many cases, data are not being gathered systematically. In addition, there is no overall plan describing how these and other indicators could be used to systematically evaluate the strategy to deter illegal entry. To gauge the overall success of the strategy, data would be needed to assess each of the results envisioned by the strategy and an evaluation plan would be needed to describe the interrelationship of those results.

To illustrate this point, the strategy could have a desirable effect on the flow of illegal aliens across the southwest border and, concomitantly, an undesirable effect on the size of the illegal alien population in the United States. This could occur if, for example, in response to the strategy, aliens made fewer illegal trips to the United States, but stayed longer on each trip, or made a legal trip but overstayed the terms of their visas. Information would thus be needed on whether a possibly reduced flow across the border may be an artifact of aliens' staying in the United States for longer periods of time than when the border was more porous or whether aliens were deterred from making attempts at illegal entry at the border.

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Our review of the illegal immigration research literature, interviews with agency officials, and suggestions on evaluation strategies made to us by our panel of immigration experts verified the importance of a comprehensive approach for assessing the effectiveness of the strategy. Such an approach would require a formal evaluation plan consisting of indicators that would serve as measures of flow across and to the border as well as the size of the illegal alien population. We drew on our literature review and other consultations to identify indicators, some noted by INS and others not, that might provide useful information. The indicators we identified are discussed in the following pages and summarized in appendix V.

It is important to keep several points in mind when contemplating these indicators:

- First, the indicators we identified address some aspects of each of the border strategy's intended results dealing with
  - the flow of illegal aliens across the southwest border,
  - whether aliens are being deterred from attempting to illegally migrate into the United States, and
  - the number of illegal aliens residing in the United States.
- Second, each indicator or result by itself would be insufficient to assess the effectiveness of the strategy as a whole, but multiple indicators drawing on a variety of methods and data sources could contribute to a more comprehensive evaluation of the effectiveness of the strategy along the southwest border.
- Third, these indicators should not be viewed as an exhaustive or all-inclusive list. Our purpose was to illustrate the significance of the multiple-indicator concept; devising an implementable evaluation strategy was beyond the scope of this review.
- Fourth, the Government Performance and Results Act (Results Act) of 1993 is intended to improve the efficiency and effectiveness of federal programs by establishing a system to set goals for program performance and to measure results. The Results Act requires that agency strategic plans contain a schedule for future program evaluations. Program evaluations can be a potentially critical source of information in ensuring the reasonableness of goals and strategies and explaining program results. The Results Act defines program evaluations as objective and formal assessments of the results, impact, or effects of a program or policy.

We recognize that the results envisioned by the strategy are complex and interrelated and that a rigorous and comprehensive approach to evaluating

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the results would be challenging and potentially costly. However, we believe that the information that would be gained from such an approach would be important to obtain because it could help identify areas where Justice might not be achieving the strategy's objectives and suggest areas where strategy and policy changes may be necessary. In addition, as Justice states in its September 1997 Strategic Plan,<sup>27</sup> "evaluation identifies and explains the linkages between the activities and strategies undertaken and the results achieved . . . [and] enables future planning and resource decisions to be better informed."

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## Indicators of Flow Across the Border

Historically, inferences about the flow of illegal aliens across the border have relied heavily on data recorded when aliens are apprehended attempting to make illegal entry between ports of entry or at ports of entry. Although the number of apprehensions is a quantifiable measure of law enforcement activity and INS can collect apprehension information systematically and completely along the length of the border, it is not a very good measure of the effectiveness or results of broad strategies, such as the strategy to deter illegal entry across the southwest border. A major limitation of apprehension data is that it only provides information on illegal aliens who have been captured by INS. Because arrested aliens are the basis for apprehension data, such data provide little information about illegal aliens who eluded capture, possibly by (1) changing their crossing patterns and entering in areas where INS has not been able to detect them, (2) using smugglers to raise the probability of a successful crossing, (3) entering successfully at the ports of entry with false documents, or (4) entering legally with a valid visa or border-crossing card and then overstaying the time limits on these documents or working illegally in the United States.

INS has, in various contexts, made note of indicators other than apprehensions to measure the effects of various border-control initiatives. These indicators include smuggling and crime statistics that were mentioned in the previous section as indicators of the interim effects of the strategy. Other indicators on which INS has collected some data in certain sectors or has reported data collected by others include (1) the number of migrants staying in hotels and shelters in Mexican border cities, (2) the number of "gotaways" who are detected by the Border Patrol but not apprehended, (3) complaints from members of U.S. border communities about suspected illegal aliens trespassing on their property, and (4) interview responses by apprehended aliens on the perceived

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<sup>27</sup>The United States Department of Justice Strategic Plan 1997-2002, September 1997.

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difficulty of crossing the border. However, INS has collected much of these data on an ad hoc basis, not systematically and comprehensively in accordance with a formal evaluation plan. As a result, it is often difficult to determine the time frame in which the data were collected, the methodological integrity of the data collection procedures, and the generalizability of the findings from one area of the border to another.

We reviewed a number of ongoing and completed research projects to determine what indicators have been identified by others that can be potentially used in a formal evaluation of the effects of the strategy. These research projects contain information gathered by immigration researchers in Mexico and the United States on the crossing patterns and tactics of Mexicans who have crossed or intend to cross the border illegally. In addition, the panel of immigration researchers that we convened for advice on evaluating the effectiveness of the strategy suggested that information on (1) the social costs and effects of illegal immigration in border cities; (2) deaths, injuries, and abuses of illegal aliens; and (3) Mexican efforts to crack down on its border could bolster an understanding of the strategy's potential effects on flow across the border.

Several of the research projects we identified reported information obtained from interviews with illegal aliens in the United States, potential illegal aliens in Mexico, Mexicans who had been in the United States illegally, and illegal and legal immigrants preparing to cross the U.S.-Mexico border. Although we cannot attest to the quality of data collected in these research studies, nor that the data were properly analyzed and interpreted, these research studies have produced quantitative and qualitative information on the crossing experiences of illegal aliens—including the number of times individuals have been apprehended on prior illegal trips, the locations where they have crossed the border, tactics used to cross the border, whether smugglers were used, and the overall costs of making an illegal trip. One ongoing project, the Mexican Migration Project,<sup>28</sup> has gathered interview data from migrants from over 30 communities in Mexico, including detailed histories of border crossing and migratory experience in the United States covering the past

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<sup>28</sup>This research project is co-directed by Jorge Durand of the University of Guadalajara, Mexico, and Douglas Massey of the University of Pennsylvania.

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30 years. Two other projects conducted by a Mexican university<sup>29</sup> gathered interview data from migrants who were preparing to cross the border illegally or legally, or who had just returned from the United States to Mexico. The recently completed Binational Study on Migration gathered interview data from Mexican migrants and from alien smugglers on such issues as smuggling costs and tactics and perceptions of United States border-control efforts.<sup>30</sup> (See app. VI for more details on these research projects, and others listed below, including discussion of their strengths and weaknesses.)

Members of our expert panel also suggested that evaluations of the strategy should include indicators of the social costs and benefits of border enforcement, such as the social and financial effects of illegal migration on border communities in the United States. As mentioned earlier, the 1994 U.S. Commission on Immigration Reform evaluation of Operation Hold-the-Line examined a variety of social indicators in El Paso to estimate the impact of illegal aliens on these communities and to determine whether there were any changes in these indicators as a result of the operation. Future evaluation research could examine these kinds of indicators in other cities along the southwest border. Such evaluations would need to take into account differences between border cities in terms of the enforcement strategies employed by INS, social and cultural conditions, and the types of illegal aliens that traditionally cross through these cities.

The panel also recommended more systematic study of deaths, injuries, and abuse suffered by illegal aliens in crossing the border. Advocacy groups have raised concerns that the strategy may divert illegal aliens to more dangerous terrain to cross the border, thereby, producing an unacceptably high toll in human suffering. A recent study by the University of Houston's Center for Immigration Research tracked deaths of illegal aliens from such causes as automobile-pedestrian accidents, drowning, and environmental and weather hazards (dehydration, hypothermia, accidental falls) in counties on the U.S.-Mexico border during the years

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<sup>29</sup>One project, still ongoing, is the Zapata Canyon project, which has surveyed illegal aliens preparing to cross the southwest border every week since September 1987. The other project, which was completed, is the Survey of Migration to the Northern Border, which surveyed both illegal and legal aliens preparing to cross the border or returning from the United States to Mexico between 1993 and 1997. Both projects are directed by Jorge Bustamante of the Colegio de la Frontera Norte in Tijuana, Mexico, in collaboration with Jorge Santibanez and Rodolfo Corona.

<sup>30</sup>In March 1994, the governments of the United States and Mexico agreed to undertake a joint study of migration between the two countries. National coordinators were designated for each country, with the U.S. Commission on Immigration Reform coordinating the work of U.S. researchers. Results from the Binational Study on Migration were released in September 1997.

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1993 to 1996.<sup>31</sup> The study did not find an increase in the overall number of illegal alien deaths over the time period but did find an increase in the number of deaths in the remote areas where immigrants have traveled in an effort to avoid areas of greater enforcement along the border. These deaths in remote areas were purportedly caused by exposure. The study also noted that alien deaths were not recorded systematically by any centralized agency, and local databases were partial and did not use common standards.

Immigration researchers and INS officials we spoke with agreed that IDENT data, when more fully available, could be quite useful for examining the flow of illegal aliens across the border. First, IDENT could provide an unduplicated count of the number of persons apprehended. Second, information on the frequency of apprehension of individuals, the time between multiple apprehensions, and the locations where illegal aliens are apprehended could provide a greater understanding of how border enforcement efforts are affecting illegal crossing patterns. Finally, recidivism data have potential for statistically modeling the flow of illegal aliens across the border and the probability of apprehension. INS officials told us in June 1997 that they were examining different analytic techniques that could be used to model the flow.

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## Indicators of Deterrence

The southwest border strategy is ultimately designed to deter illegal entry into the United States. It states that “The overarching goal of the strategy is to make it so difficult and so costly to enter this country illegally that fewer individuals even try.”<sup>32</sup> INS officials told us they had no plans, and there are no plans in the Attorney General’s strategy, to directly examine deterrence—that is, the extent to which potential illegal aliens decide not to make an initial or additional illegal trip to the United States or decide to limit the number of illegal trips they had planned to take.

According to some research, decisions to migrate illegally are determined by a complex set of factors; among them are perceptions of border enforcement efforts; economic conditions in the country of origin; demand for labor in the United States; and the extent to which social networks are established that facilitate migration from other countries to the United

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<sup>31</sup>K. Eschbach, J. Hagan, N. Rodriguez, R. Hernandez-Leon, and S. Bailey, *Death at the Border* (Houston: Center for Immigration Research, University of Houston), Working Paper #97-2, June 1997.

<sup>32</sup>*Building A Comprehensive Southwest Border Enforcement Strategy* (Washington, D.C.: Immigration and Naturalization Service, June 1996), p. 3.

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States.<sup>33</sup> The previously mentioned Mexican Migration Project has collected some survey information on economic conditions in each of the communities selected for study as well as the extent of social networks that facilitate migration from these communities to the United States. Although the validity of the results would depend greatly on the quality of the underlying data and the appropriateness of the statistical assumptions made, data from the project may help to (1) estimate annual changes over a 30-year period in migrants' likelihood to take an illegal trip to the United States and (2) examine the factors contributing to decisions to take an illegal trip.

The Binational Study also conducted interviews with Mexicans concerning factors affecting their decisions to migrate illegally. Researchers interviewed residents of several different types of communities in Mexico that differed in the extent to which patterns of migration to the United States had taken hold. In older sending communities, nearly all male residents had made a trip to the United States, and illegal migration was seen as a rite of passage. Study directors from the U.S. Commission on Immigration Reform told us that efforts at deterring illegal migration from these kinds of communities were unlikely to be effective. However, they said that deterrence efforts might work better with migrants from newer sending communities, where social networks were not yet well established. Some people in these communities reportedly were leaving because of difficult economic circumstances, while others were staying because they had heard that the trip was harder, more costly, and more dangerous. Commission officials told us that an evaluation should include interviews with residents of older and newer sending communities in Mexico to ascertain their rationales for undertaking trips to the United States and their perceptions of border-control efforts.

If the border becomes harder to cross illegally, it is possible that some migrants who might have crossed illegally may try to enter through legal means by applying for nonimmigrant visas or border-crossing cards. Information available from INS and the Department of State on the number of people applying for nonimmigrant visas and border-crossing cards could be used to track whether greater numbers of aliens are applying for legal means of entry. Trends in application rates may be difficult to interpret in the future, however, since aliens already holding

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<sup>33</sup>See: D. S. Massey & K. E. Espinosa, "What's Driving Mexico-U.S. Migration? A Theoretical, Empirical, and Policy Analysis," *American Journal of Sociology*, Vol. CII, No. 4 (January 1997), pp. 939-999; and Binational Study on Migration, *Binational Study: Migration Between Mexico & The United States* (Mexico City and Washington, D.C.: Mexican Foreign Ministry and U.S. Commission on Immigration Reform, September 1997).

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border-crossing cards will be required to use new cards containing biometric information, such as the cardholder's fingerprints, by October 1, 1999.<sup>34</sup> Application rates may then overstate the actual demand for legal entry to the United States.

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## Indicators of the Number of Illegal Aliens in the United States

The strategy anticipates that enforcement activities will ultimately reduce the number of illegal aliens in the United States and, thereby, reduce their use of benefits and social services. INS estimated that the number of illegal aliens residing in the United States grew from 3.9 million in October 1992 to 5.0 million in October 1996.<sup>35</sup> These estimates are difficult to use to evaluate the impact of the strategy, however, because (1) they focus on long-term illegal residents, rather than illegal aliens who come to the United States for relatively short periods and return periodically to their country of origin; (2) they do not allow for estimates of the extent to which reductions in the flow of illegal immigration across the southwest border may be offset by increases in aliens using legal nonimmigrant visas but overstaying the terms of their visas; (3) they have so far been produced too infrequently to be useful to evaluate short-term effects of enforcement efforts; and (4) a shortage of information about some components of the estimates makes it difficult to estimate the number of illegal aliens without making questionable assumptions about these components. Some additional data sources are available that could supplement INS data. However, considerable effort and research would probably be entailed in actually obtaining adequate estimates of the number of illegal aliens in the United States.

There are numerous difficulties in accurately measuring the total number of illegal aliens in the United States and in estimating how many illegal aliens come to this country each year. One of the major difficulties arises because of the heterogeneity of the illegal alien population. Some illegal aliens, referred to as sojourners in the illegal immigration research

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<sup>34</sup>Section 104 of the 1996 Act provides that as of April 1, 1998, "border-crossing identification cards," documents issued to permanent resident aliens or aliens living in a foreign bordering territory, include a machine-readable biometric identifier, such as the fingerprint or handprint of the alien. The act further mandates that by October 1, 1999, an alien presenting a border-crossing identification card is not to be permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

<sup>35</sup>In 1994, INS estimated that there were 3.4 million illegal aliens residing in the United States as of October 1992. See: R. Warren, Estimates of the Unauthorized Immigrant Population Residing in the United States, by Country of Origin and State of Residence: October 1992 (Washington, D.C.: Immigration and Naturalization Service, 1994). INS revised the October 1992 estimate, based on new data and improvements in methodology and published the October 1996 estimate in February 1997. See INS Releases Updated Estimates of U.S. Illegal Population (Washington, D.C.: U.S. Immigration and Naturalization Service News Release, February 1997).

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literature, come to the United States on a temporary basis but consider themselves residents of a foreign country and intend to return. Others, referred to as settlers, come here with the intention of staying on a more permanent basis. In addition, illegal aliens differ in their mode of arrival. Some illegally cross the southwest border; enter illegally along other borders; or enter illegally at the land, sea, or air ports of entry. Other aliens enter legally with one of several types of visas and then fail to leave within the allowed time period.

Border enforcement efforts may have different effects on each of these groups, some of them not intended or anticipated in the Attorney General's strategy. For example, successful border enforcement may result in sojourners limiting the number of trips they make to the United States, but staying for longer periods of time, because of the greater difficulty in crossing the border. In that case, successful border control would effectively reduce the number of illegal border crossings but could increase the average length of time that illegal aliens reside in the United States. Successful border strategies may also discourage sojourners from crossing the border illegally but may encourage them to try to enter legally and stay longer than authorized. A comprehensive evaluation that seeks to determine the effect of the strategy on the number of illegal aliens in the United States would need to have reliable and valid data on sojourners and settlers, and on those who enter legally as well as those who overstay. The evaluation would also have to account for the impact of outside factors, such as economic conditions in countries of origin and policy changes in the United States.

In February 1997 INS released estimates of the overall stock of illegal aliens residing in the United States in October 1996 and updated earlier estimates that it had made for October 1992, using data collected by INS and the Census Bureau. According to the latest estimates, 5 million illegal aliens resided in the United States as of October 1996, up from 3.9 million as of October 1992. These estimates are difficult to use to evaluate the impact of enforcement efforts at the border, for a number of reasons. First, individuals covered in these estimates are defined as those who have established residence in the United States by remaining here illegally for more than 12 months. The estimates therefore provide little information about the number of sojourners who come to the United States and stay for periods shorter than 1 year. Other kinds of data are needed to examine the sojourner population.

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Second, uncertainty about the number of people who enter legally with nonimmigrant visas and stay longer than authorized (overstays) makes it difficult to assess whether a decrease in the estimated number of illegal border crossers from Mexico due to border enforcement is offset by an increase in Mexican overstays. The INS overstay estimates for 1996 contain a projection based on earlier overstay data, thus the total estimate is subject to considerable uncertainty. In recent testimony to Congress, INS admitted that it has been unable to produce estimates of overstays since 1992.<sup>36</sup> Indeed, because of problems with the data system on overstays,<sup>37</sup> INS acknowledges that it is unable to estimate the current size of the overstay problem and the magnitude by country of origin.<sup>38</sup>

Third, estimates made once every 4 years are not suited to identifying intermediate trends that might signal effects of border enforcement efforts. INS has calculated an average annual growth rate of 275,000 in the illegal resident population between 1992 and 1996, but these estimates result from averaging over 4 years and cannot distinguish yearly changes in the illegal alien population.

Fourth, INS acknowledges that limited information about some components of the estimates may increase uncertainty about the size of the illegal population. For example, limited information about the extent to which the Mexican-born population may be undercounted and the number who emigrated from the United States during the period between estimates necessitate assumptions that affect the precision of the estimates of the illegal alien population.

Unfortunately, data are limited on the number of illegal alien sojourners who travel back and forth between Mexico and the United States. The Binational Study on Migration cited estimates from the previously

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<sup>36</sup>Statement of Michael D. Cronin, Assistant Commissioner for Inspections, Immigration and Naturalization Service, before the Subcommittee on Immigration and Claims, House Judiciary Committee, June 17, 1997. See also: Office of the Inspector General, Immigration and Naturalization Service Monitoring of Nonimmigrant Overstays (Washington, D.C.: U.S. Department of Justice, September 1997).

<sup>37</sup>The overstay estimates are based on matched records from arrival forms, collected by INS, and departure forms, collected primarily by airlines. The INS nonimmigrant overstay method estimates the number of aliens, except students, who after being legally admitted have remained in the United States longer than they have been authorized to stay. These individuals have been inspected by INS at authorized ports of entry, and a record of their arrival is known to the government. Border crossers from Canada and Mexico or crewmen who enter legally through inspection are not included.

<sup>38</sup>Section 110 of the 1996 Act requires INS by October 1, 1998, to develop an automated entry-exit control system to enable the Attorney General to monitor all entries and exits at ports of entry. Until such a system is in place, it is likely that considerable uncertainty about the magnitude of overstays will remain.

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mentioned Northern Border study of the number of both legal and illegal sojourners traveling to the United States and returning to Mexico in 1993 and 1995. The study found a decrease between 1993 and 1995 in the overall number of people traveling in each direction. The Binational Study interpreted these findings to mean that sojourners were likely staying longer in the United States in 1995 than in 1993. However, the study was unable to distinguish the size of the illegal from the legal alien flow. The Mexican Migration Project data have also been used to estimate changes in net annual illegal migration from Mexico (subtracting estimates of the number of illegal aliens who return to Mexico from estimates of the number of illegal aliens who migrate to the United States). Because neither study was based on data that represented all illegal aliens in the United States, estimates derived from these studies may be most useful for looking at trends, rather than absolute levels, of illegal immigration from Mexico.

Finally, a number of existing data sources provide estimates of the number of illegal aliens in United States workplaces. Since 1988, the U.S. Department of Labor has administered its National Agricultural Workers Survey 3 times a year to a random sample of the nation's crop farm workers and has asked respondents about their immigration status, among other things. Such data may be useful for examining whether border enforcement efforts have reduced the number, or proportion, of illegal aliens in a sector that has traditionally attracted high proportions of illegal migrants, and whether the characteristics of illegal aliens working in agriculture have changed. An April 1997 report prepared for the U.S. Commission on Immigration Reform, based on National Agricultural Workers Survey data from 1988 to 1995, showed an increasing percentage of illegal aliens in agriculture during this time period.<sup>39</sup>

Many illegal aliens work in sectors other than agriculture, including urban-sector employment in construction and services.<sup>40</sup> INS collects statistics on the results of targeted and random investigations in U.S. workplaces. Trends in the number of illegal aliens apprehended at the workplace may reflect enforcement efforts at the southwest border. For example, if recent border enforcement efforts are effective, the proportion of apprehended illegal aliens who have recently arrived in the United

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<sup>39</sup>R. Mines, S. Gabbard, & A. Steirman, *A Profile of U.S. Farm Workers: Demographics, Household Composition, Income and Use of Services*, (Washington, D.C.: Prepared for the U.S. Commission on Immigration Reform, April 1997).

<sup>40</sup>The Binational Study notes that there is evidence of a long-term upward trend in U.S. urban-sector employment—particularly in construction and services—for illegal aliens.

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States might decrease at various workplaces. However, changes in the number of illegal aliens apprehended at U.S. workplaces may be a result of other causes, such as greater emphasis by INS staff on investigating whether employers are complying with the law and INS regulations concerning aliens' right to work in the United States.

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## INS Evaluation Efforts

INS recognizes that multiple indicators are necessary, and, as part of its fiscal year 1997 priority to strengthen border facilitation and control, INS stated that it would "review past and current studies and initiatives regarding measurements of success of both enforcement and facilitation along the [Southwest] border."<sup>41</sup> An objective within this priority was to make recommendations for appropriate measures and complete implementation plans. However, INS was unable to provide us with any documentation that it or any other Justice component was pursuing a broader, formal evaluation of the southwest border strategy. In June 1997, INS officials told us that they had completed a review of indicators used in the past by INS and others, but had not yet made recommendations regarding what measures would be collected, who would be responsible for collecting the data, or how the data would be analyzed.

Along these lines, the Justice Department's September 1997 Strategic Plan stated that a key element in the Department's strategic planning process is the "systematic evaluation of major programs and initiatives." Although the strategic plan described program goals, strategies, and performance indicators for INS, it did not contain a program evaluation component to explain how it will assess success in meeting these goals and, in a broader sense, the effectiveness of the southwest border strategy. Justice's strategic plan acknowledged that there has been relatively little formal evaluation of its programs in recent years. According to the plan, Justice intends to examine its current approach to evaluation to determine how to better align evaluation with its strategic planning efforts.

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## Conclusions

The Attorney General has a broad strategy for strengthening enforcement of the Nation's immigration laws that places priority on deterring illegal entry into the United States along the southwest border. Congress has been supporting efforts to gain control of the southwest border by substantially increasing INS' funding for enforcement activities. As a result,

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<sup>41</sup>FY 97 Priority: Strengthen Border Facilitation and Control (Washington, D.C.: Immigration and Naturalization Service, November 1996).

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the Department of Justice and INS have made some strides in implementing the strategy.

INS' data on the effects of the implementation of the strategy indicate that a number of the interim results anticipated by the Attorney General are occurring. To comprehensively and systematically assess the effects of the strategy over time, there are a variety of other indicators that may be useful to provide information on some aspects of each of the results envisioned by the strategy. INS has collected data and reported on some, but not all, of these indicators.

Although Justice's strategic plan recognizes the importance of systematic evaluation of major initiatives, Justice has no comprehensive evaluation plan for formally evaluating whether the strategy is achieving its intended range of results—such as reducing flow across the border, reducing flow to the border, and reducing the number of illegal aliens who reside in the United States.

We recognize that developing a formal evaluation plan and implementing a rigorous and systematic evaluation of the strategy could require a substantial investment of resources, in part because the needed data may not be presently available, thereby possibly requiring support for new data collection efforts. Thus, devising such an evaluation plan should entail determining the most important data needs and the most appropriate and cost-effective data sources and data collection activities as well as carefully analyzing the relationships among various indicators to correctly interpret the results. Furthermore, data obtained on any set of indicators should be interpreted in the context of economic conditions and policy changes in the countries of origin of illegal immigrants and in the United States to help ensure that the results are attributable to the strategy and not to other potential causes.

Notwithstanding the challenges in devising such a broad-based evaluation plan, we believe that the substantial investment of billions of dollars being made in the Attorney General's strategy warrants a cost-effective, comprehensive evaluation to demonstrate whether benefits commensurate to the investment have been realized. Such an evaluation would also be in keeping with the concepts embodied in the Government Performance and Results Act of 1993 as well as the Department's strategic plan to evaluate major initiatives.

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In addition, a comprehensive evaluation would also assist Justice in identifying whether INS is implementing the strategy as planned; what aspects of the strategy are most effective; and, if the strategy's goals are not being achieved, the reasons they are not. Such information would help the agency and Congress identify whether changes are needed in the strategy, in policy, in resource levels, or in program management.

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## Recommendations

We recommend that the Attorney General develop and implement a plan for a formal, cost-effective, comprehensive, systematic evaluation of the strategy to deter illegal entry across the southwest border. This plan should describe (1) the indicators that would be required for the evaluation, (2) the data that need to be collected, (3) mechanisms for collecting the data, (4) controls intended to ensure accuracy of the data collected, (5) expected relationships among the indicators, and (6) procedures for analyzing the data.

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## Agency Comments

We requested comments on a draft of this report from the Attorney General or her designees. On September 16, 1997, we met to obtain oral comments on the draft report from the INS Executive Associate Commissioner (EAC) for Policy and Planning and other officials from INS' Office of Policy and Planning, Field Operations, Border Patrol, Inspections, Intelligence, Budget, General Counsel, Internal Audit, and Congressional Relations as well as from the Justice Management Division and the Executive Office for United States Attorneys. INS and the Executive Office for United States Attorneys followed up this discussion with point sheets, which reiterated their oral comments suggesting clarifications and technical changes. We also requested comments from the Secretary of State and the Acting Commissioner of Customs. The Customs Service had no comments on our draft report. We received technical comments from the Department of State. We made clarifications and technical changes to the draft report where appropriate.

Although INS chose not to provide written comments on the report or the recommendation, INS officials told us that they recognize the need for a comprehensive border-wide evaluation and are in the process of designing and implementing one. The evaluation design was not available when we finalized this report; therefore, we are not in a position to assess whether it contains the types of evaluation factors discussed in our recommendation.

We are sending copies of this report to the Attorney General, the Commissioner of the Immigration and Naturalization Service, the Acting Commissioner of the U.S. Customs Service, the Secretary of State, the Director of the Office of Management and Budget, and other interested parties. We will also make copies available to others upon request.

If you or your staff have any questions concerning this report, please contact me on (202) 512-8777. This report was done under the direction of Evi L. Rezmovic, Assistant Director, Administration of Justice Issues. Other major contributors are listed in Appendix VII.



Richard M. Stana  
Acting Associate Director, Administration  
of Justice Issues

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**Abbreviations**

COLEF	Colegio de la Frontera Norte
EAC	Executive Associate Commissioner
EOIR	Executive Office of Immigration Review
CLASS	Consular Lookout and Support System
INS	Immigration and Naturalization Service
IRCA	Immigration Reform and Control Act
MMP	Mexican Migration Project
NAWS	National Agricultural Workers Survey
OIG	Office of Inspector General
POE	Port of Entry
PQIC	Port Quality Improvement Committees
SAWS	Seasonal Agricultural Workers Survey

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# Attorney General's Strategy to Deter Illegal Entry Into the United States Along the Southwest Border

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In February 1994, the Attorney General and Immigration and Naturalization Service (INS) Commissioner announced a comprehensive five-part strategy to strengthen enforcement of the nation's immigration laws. The strategy outlined efforts to curb illegal entry and protect legal immigration by focusing on five initiatives: (1) strengthening the border; (2) removing criminal aliens; (3) reforming the asylum process; (4) enforcing workplace immigration laws; and (5) promoting citizenship for qualified immigrants. The first priority, strengthening the border, focused on immigration control efforts along the 2,000-mile U.S.-Mexican border and is summarized here.

According to the 1994 strategy announced by the Attorney General and the INS Commissioner, the first priority was to focus on the areas between the ports of entry, which are divided into nine Border Patrol sectors. Recognizing the displacement effect of enhanced efforts between the ports of entry, the ports of entry along the southwest border were added to provide comprehensive coverage, and thus compensate for displacement. The new border strategy involved "prevention through deterrence." This strategy called for concentrating new resources on the front lines at the most active points of illegal entry along the southwest border.

The key objectives of the between-the-ports strategy were to (1) close off the routes most frequently used by smugglers and illegal aliens (generally through urban areas) and (2) shift traffic through the ports of entry or over areas that were more remote and difficult to cross illegally, where INS had the tactical advantage. To carry out this strategy, INS planned to provide the Border Patrol and other INS enforcement divisions with the personnel, equipment, and technology to deter, detect, and apprehend illegal aliens.

INS also had related objectives of preventing illegal entry through the ports, increasing prosecutions of smugglers and aliens who repeatedly enter the United States illegally, and improving the intelligence available to border patrol agents and port inspectors.

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## Border Patrol

In July 1994, the Border Patrol developed its own plan to carry out the Attorney General's between-the-ports strategy. The plan, still current in September 1997, was to maximize the risk of apprehension, using increased human and physical barriers to entry to make passage more difficult so that many will consider it futile to continue to attempt illegal entry through traditional routes. Consistent with the Attorney General's strategy, the Border Patrol sought to bring a decisive number of

enforcement resources to bear in each major entry corridor so that illegal aliens would be deterred from using traditional corridors of entry.

The plan called for targeting resources to the areas of greatest illegal activity in four phases:

- Phase I -Concentrate efforts in San Diego (Operation Gatekeeper) and El Paso (Operation Hold-the-Line), since these two areas historically accounted for 65 percent of all apprehensions along the southwest border, and contain displacement effects in the El Centro and Tucson sectors.
- Phase II -Control the Tucson and south Texas corridors.
- Phase III -Control the remainder of the southwest border.
- Phase IV -Control all other areas outside the southwest border, and concentrate on the northern border and water avenues (for example, Pacific and Gulf coasts).

The Border Patrol strategic plan directed intense enforcement efforts at the areas of greatest illegal activity. This strategy differed from the previous practice of thinly allocating Border Patrol agents along the border as new resources became available. Each southwest sector developed its own tactical plan detailing how it would implement the Border Patrol's strategic plan. According to the plan, each sector was to focus first on controlling urban areas and increase the percentage of border-control hours on the front lines of the border in such duties as linewatch,<sup>1</sup> patrol, checkpoints, and air operations.

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## **Inspections at Ports of Entry**

To complement the Border Patrol's strategic plan, which will be carried out between the ports of entry, INS Inspections developed Operations 2000+ in September 1996 to enhance operations at the ports of entry. This plan called for increasing the identification and interception of criminals and illegal entrants. To accommodate legal entry while enhancing its efforts to deter illegal entry at the ports of entry, INS will increase its use of technology to improve management of legal traffic and commerce. As part of this effort, INS had several pilot projects ongoing to use dedicated commuter lanes and automated entry systems to speed the flow of frequent low-risk travelers through the ports. The use of automated systems could then free inspectors' time to be spent on other enforcement activities.

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<sup>1</sup>Patrolling the immediate border area.

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## Prosecutions

In concert with INS' efforts to deter illegal entry, the Attorney General seeks to increase prosecutions of alien smugglers, coyotes,<sup>2</sup> and those with criminal records who repeatedly reenter the United States after having been removed. This program involves several aspects regarding the federal prosecution function and is intended

- to develop, through the U.S. Attorneys in the five judicial districts contiguous to the U.S.-Mexico border, federal prosecution policies to (1) support enforcement strategies implemented at the ports of entry by INS and U.S. Customs and between the ports by the Border Patrol, (2) maximize crime reduction in border communities, (3) minimize border-related violence, and (4) engender respect for the rule of law at the border. These policies include (1) targeting criminal aliens for 8 U.S.C. 1326<sup>3</sup> prosecution, (2) targeting coyotes to disrupt the smuggling infrastructure, (3) increasing alien smuggling prosecutions, (4) increasing false document vendor prosecutions, (5) enforcing civil rights laws, (6) prosecuting assaults against federal officers, and (7) prosecuting border-related corruption cases.
- to coordinate the use of INS/Executive Office of Immigration Review (EOIR) administrative sanctions and the application of federal criminal sanctions to achieve an integrated and cost-effective approach to the goal of deterrence in border law enforcement. This step includes (1) enforcing EOIR orders as predicates for federal prosecution under section 1326, and (2) using INS/EOIR removal orders and section 1326 provisions to prosecute coyotes.
- to enhance cooperation between federal immigration authorities and state and local law enforcement agencies to (1) leverage INS enforcement efforts through coordination with local law enforcement as allowed by law; (2) identify arrestees' immigration status to facilitate choice at the outset of official processing among the options of administrative sanctioning, federal criminal prosecution, and state criminal prosecutions; and (3) ensure removal by immigration authorities of criminal aliens from the country, following service of state and local sentences after conviction. This plan involves (1) instituting county jail programs, (2) employing state and local police to supplement INS personnel, (3) allocating cases effectively between federal and state prosecutors, and (4) integrating information/identification systems among jurisdictions.

The Attorney General designated the U.S. Attorney for the Southern District of California as her Southwest border representative and directed

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<sup>2</sup>Foot guides.

<sup>3</sup>Statute providing criminal penalties for reentry of certain deported aliens.

him to coordinate the border law enforcement responsibilities of various Justice Department agencies—including INS, the Drug Enforcement Agency, and the Federal Bureau of Investigation—with activities undertaken by the Treasury Department and the Department of Defense.

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## Intelligence

Another part of the strategy to deter illegal entry across the Southwest border was to reengineer INS' Intelligence program so the border patrol agents and port inspectors could better anticipate and respond to changes in illegal entry and smuggling patterns. By the end of fiscal year 1997, INS expected to have an approved strategic plan for collecting and reporting intelligence information, integrating additional assets into the Intelligence program, and assessing field intelligence requirements. In addition, intelligence training and standard operating procedures for district and sector personnel were to be developed.

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## Indicators of Success

As the strategy is being carried out, the Department anticipates that its success will be measurable using more indicators than the one traditionally used: apprehensions. The Department anticipates the following measurable results to occur:

- an initial increase in arrests between the ports and then an eventual reduction of arrests and recidivism in traditional corridors;
- shift in the flow of illegal alien entries from the most frequent routes (generally through urban areas) to more remote areas;
- increased port-of-entry activities, including increased entry attempts and increased use of fraudulent documents;
- increased instances of more sophisticated methods of smuggling at checkpoints;
- increased fees charged by smugglers;
- increased numbers of criminal aliens prosecuted for entering the country illegally;
- increased numbers of alien smugglers, coyotes, and false document vendors prosecuted;
- increased numbers of deportations of people presenting false documents; and,
- reduced violence at the border (for example, less instances of border banditry).

Further, although the Department will not be able to measure them and many complex variables other than border enforcement affect them, the

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**Appendix I**  
**Attorney General's Strategy to Deter Illegal**  
**Entry Into the United States Along the**  
**Southwest Border**

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Department believes its enhanced enforcement activities will have a positive impact on the following:

- fewer illegal immigrants in the interior of the United States and
- reduction in the use of social services and benefits by illegal aliens in the United States.

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## Documents Used to Prepare Analysis

The following documents, listed in chronological order, were used to prepare our summary of the Attorney General's strategy to deter illegal entry into the U.S. along the Southwest border:

Department of Justice, Attorney General and INS Commissioner Announce Two-Year Strategy to Curb Illegal Immigration, Press Release, February 3, 1994.

U.S. Government Printing Office, Accepting the Immigration Challenge, The President's Report on Immigration, 1994.

INS, Strategic Plan: Toward INS 2000, Accepting the Challenge, November 2, 1994.

INS, Border Patrol Strategic Plan 1994 and Beyond, National Strategy, U.S. Border Patrol, July 1994.

INS, Priority 2: Strengthen Border Enforcement and Facilitation, Fiscal Year 1996 Priority Implementation Plan.

Department of Justice, Executive Office for United States Attorneys, USA Bulletin, Vol. 44, Number 2, April 1996.

Department of Justice, INS, Building a Comprehensive Southwest Border Enforcement Strategy, June 1996.

Department of Justice, INS, Meeting the Challenge Through Innovation, September 1996.

INS Office of Inspections, Inspections 2000+: A Strategic Framework for the Inspections Program, September 1996.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

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INS, Operation Gatekeeper, Two Years of Progress, October 1996.

INS, Strengthen Border Facilitation and Control, Fiscal Year 1997 Priorities.

Department of Justice, INS, Immigration Enforcement, Meeting the Challenge, A Record of Progress, January 1997.

In addition, we reviewed the strategies prepared in 1994 by the Border Patrol's nine southwest border sectors.

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# Status of Selected Border Enforcement Initiatives Mandated by the 1996 Act

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Subtitle A, Title I of the 1996 Act mandates further improvements in border-control operations. These include improvement in the border-crossing identification card, new civil penalties for illegal entry or attempted entry, and a new automated entry/exit control system. The status of initiatives to address these provisions is discussed below.

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## Improvement in the Border-Crossing Identification Card

Section 104 of the 1996 Act provides that documents issued on or after April 1, 1998, bearing the designation "border-crossing identification cards" include a machine-readable biometric identifier, such as the fingerprint or handprint of the alien. The 1996 Act further mandates that by October 1, 1999, an alien presenting a border-crossing identification card is not to be permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

According to INS Inspections officials, as of September 1997, initiatives to implement this provision were under way, but several issues had yet to be resolved. An INS official told us that INS and the State Department have reached a mutual decision on the biometric characteristics to be used on the card. A digitized color photograph, with potential use for facial recognition as that technology advances, will be collected. Live scan prints of both index fingers will also be collected. These fingerprints are compatible with IDENT, INS' automated fingerprint identification system. However, the system to be used to verify this information at the point of entry into the United States had not been determined. According to the official, resolution of this problem is necessary since currently no viable technology available can implement what the law requires. INS plans to pilot test a biometric card for pedestrians at the Hidalgo, Texas port of entry by the end of calendar year 1997.

The new system would also change which federal agency provides border-crossing cards and which agency produces the cards as well as where the cards are available. Currently, INS Immigration Inspectors at ports of entry and some State Department consular officers adjudicate applications and issue border-crossing cards. The INS Commissioner and the Assistant Secretary of State for Consular Affairs, on September 9 and September 18, 1997, respectively, signed a memorandum of understanding on how the revised border-crossing card process would work. Under the new system, the State Department will take over all adjudication of these cards. Foreign services posts will collect the fees and necessary data, including the biometric, and will send the data electronically to INS. INS will

produce the cards. According to a State Department official, consular officers will check border-crossing card applicants against the State Department's Consular Lookout and Support System (CLASS)<sup>1</sup> to identify those that may be ineligible. The actual details of how the system will operate are, however, still being worked out, e.g., how to handle the volume of applicants. INS officials said that if all goes as expected, the new process will be in place on April 1, 1998.

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## **New Civil Penalties for Illegal Entry**

Section 105 of the 1996 Act mandates new civil penalties for illegal entry. Any alien apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers is subject to a civil penalty of at least \$50 and not more than \$250 for each such entry or attempted entry. The penalty is doubled for an alien who has been previously subject to a civil penalty under this subsection. Moreover, such penalties are in addition to, not instead of, any criminal or other civil penalties that may be imposed. This provision applies to illegal entries or attempts to enter occurring on or after April 1, 1997.

As of September 1997, INS was still studying this issue. According to an INS official, a working group met in April 1997 and prepared an option papers for INS' Policy Council. Based on this preliminary analysis, the council concluded that the program's administration would probably cost more than the fines collected and the fines would not deter individuals, since few individuals would have the money to pay the fines. Accordingly, the INS Policy Council requested further study of the potential effects of the program before proceeding further with implementation. Such a study was on-going as of September 1997. No deadline was set for the study. Further development of the rules and regulations required to implement the program will depend on the results of the study.

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## **New Automated Entry/Exit Control System**

Section 110 of the 1996 Act directs the Attorney General to develop an automated entry and exit control system by October 1, 1998, to (1) collect data on each alien departing the United States and match the record of departure with that of the alien's arrival in the United States and (2) enable the Attorney General to identify through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the time authorized.

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<sup>1</sup>CLASS is the State Department's name-check system, which contains information on foreign nationals who may apply for visas to the United States.

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**Appendix II**  
**Status of Selected Border Enforcement**  
**Initiatives Mandated by the 1996 Act**

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According to INS Inspections officials, this system is in the early development stage. INS is pilot testing a system for air travelers and believes it will have a system in place for them within the 2-year mandated time period.

However, many implementation issues remain regarding travelers who enter and exit across the land borders. For example, how will exit control be done for those driving across the land borders? Will everyone entering the United States, including citizens, be checked? If so, how do you check everyone? If not, how do you know who is an alien and who is not? INS expects to test a pilot project for an arrival/departure system for pedestrian crossers at the Eagle Pass, Texas land port of entry. According to INS Inspections officials, INS plans to ask Congress for more time to implement such as a system at land ports of entry, but had not done so as of September 1997. At that time, INS had at the Office of Management and Budget a technical amendment requesting more time to implement the system for land ports of entry.

Officials also indicated that there is some concern regarding different mandates in the 1996 Act. For example, while the act specifies that the biometric is for the border-crossing card, the provision mandating the automated entry/exit system includes no mention of using a biometric.

# INS Border Patrol and Inspections Staffing and Selected Workload Data

**Table III.1: Authorized Border Patrol Agent Positions in Southwest Border Patrol Sectors, Fiscal Years 1993 - 1997**

Border Patrol Sector	Authorized Agents FY 93 <sup>a</sup>	Authorized increases each year				Total increase		Total Authorized agents FY 97
		FY 94	FY 95	FY 96	FY 97	FY 94-97	Percent	
San Diego	980	300	229	428	278	1235	44	2215
El Centro	194	0	0	0	50	50	2	244
Yuma	178	0	0	0	0	0	0	178
Tucson	281	0	128	246	228	602	21	883
El Paso	602	50	93	101	107	351	12	953
Marfa	131	0	0	0	0	0	0	131
Del Rio	290	0	100	0	52	152	5	442
Laredo	347	0	75	0	49	124	4	471
McAllen	386	0	75	25	228	328	12	714
<b>Total Southwest Border</b>	<b>3389</b>	<b>350</b>	<b>700</b>	<b>800</b>	<b>992<sup>b</sup></b>	<b>2842</b>	<b>100</b>	<b>6231</b>

<sup>a</sup>According to INS officials, the number of on-board agents as of September 30, 1993, is considered as fiscal year 1993 authorized border patrol staffing levels for comparison purposes.

<sup>b</sup>Does not include eight agents deployed to Puerto Rico for the Attorney General's Puerto Rico Anti-Crime initiative.

Source: INS.

**Table III.2: Apprehensions by Southwest Border-Patrol Sector, Fiscal Year 1992 Through First Half of Fiscal Year 1997**

Border Patrol sector	FY 92	FY 93	FY 94	FY 95	FY 96	First half FY 97
San Diego	565,581	531,689	450,152	524,231	483,815	172,339
El Centro	29,852	30,058	27,654	37,317	66,873	57,438
Yuma	24,892	23,548	21,211	20,894	28,310	15,376
Tucson	71,036	92,639	139,473	227,529	305,348	140,077
El Paso	248,642	285,781	79,688	110,971	145,929	69,362
Marfa	13,819	15,486	13,494	11,552	13,214	6,622
Del Rio	33,414	42,289	50,036	76,490	121,137	61,567
Laredo	72,449	82,348	73,142	93,305	131,841	75,475
McAllen	85,889	109,048	124,251	169,101	210,553	131,643
<b>Total southwest border</b>	<b>1,145,574</b>	<b>1,212,886</b>	<b>979,101</b>	<b>1,271,390</b>	<b>1,507,020</b>	<b>729,899</b>

Source: INS.

**Appendix III  
INS Border Patrol and Inspections Staffing  
and Selected Workload Data**

**Table III.3: Border Patrol Hours by Southwest Border Patrol Sector, Fiscal Year 1992 Through First Half Fiscal Year 1997**

<b>Border Patrol Sector</b>	<b>FY 92</b>	<b>FY 93</b>	<b>FY 94</b>	<b>FY 95</b>	<b>FY 96</b>	<b>First half FY 97</b>
<b>San Diego</b>						
General enforcement	55,687	59,050	72,240	43,884	26,695	7,457
Program support	720,097	917,149	933,549	1,030,319	1,255,970	766,895
Border enforcement	866,500	1,067,872	1,004,232	1,361,983	1,756,647	1,021,266
<b>Total</b>	<b>1,642,284</b>	<b>2,044,071</b>	<b>2,010,021</b>	<b>2,436,186</b>	<b>3,039,312</b>	<b>1,795,618</b>
<b>El Centro</b>						
General enforcement	27,619	27,396	24,871	19,252	14,648	5,376
Program support	139,131	149,095	138,529	143,259	148,241	73,628
Border enforcement	280,491	246,289	249,180	248,206	251,101	109,240
<b>Total</b>	<b>447,241</b>	<b>422,780</b>	<b>412,580</b>	<b>410,717</b>	<b>413,990</b>	<b>188,244</b>
<b>Yuma</b>						
General enforcement	33,772	34,645	29,259	20,087	16,511	5,100
Program support	94,731	104,368	102,467	112,633	105,227	51,941
Border enforcement	279,030	255,330	258,137	249,374	257,871	118,558
<b>Total</b>	<b>407,533</b>	<b>394,343</b>	<b>389,863</b>	<b>382,094</b>	<b>379,609</b>	<b>175,599</b>
<b>Tucson</b>						
General enforcement	21,898	25,418	20,756	15,768	17,557	5,513
Program support	219,951	264,022	250,294	316,267	395,867	305,885
Border enforcement	295,429	315,541	344,813	365,489	500,349	298,793
<b>Total</b>	<b>537,278</b>	<b>604,981</b>	<b>615,863</b>	<b>697,524</b>	<b>913,773</b>	<b>610,191</b>
<b>El Paso</b>						
General enforcement	88,711	84,074	37,365	50,331	34,967	17,318
Program support	391,691	414,460	273,088	361,939	477,792	268,626
Border enforcement	707,507	809,921	1,023,146	964,533	1,028,846	516,186
<b>Total</b>	<b>1,187,909</b>	<b>1,308,455</b>	<b>1,333,599</b>	<b>1,376,803</b>	<b>1,541,605</b>	<b>802,130</b>
<b>Marfa</b>						
<b>General enforcement</b>	63,492	46,467	42,755	36,854	13,757	2,003
<b>Program support</b>	89,312	99,873	93,757	89,693	91,170	40,558
<b>Border enforcement</b>	168,120	172,732	173,084	167,585	157,773	83,746
<b>Total</b>	<b>320,924</b>	<b>319,072</b>	<b>309,596</b>	<b>294,132</b>	<b>262,700</b>	<b>126,307</b>

(continued)

**Appendix III  
INS Border Patrol and Inspections Staffing  
and Selected Workload Data**

<b>Border Patrol Sector</b>	<b>FY 92</b>	<b>FY 93</b>	<b>FY 94</b>	<b>FY 95</b>	<b>FY 96</b>	<b>First half FY 97</b>
<b>Del Rio</b>						
General enforcement	57,079	30,854	26,073	22,077	17,742	3,456
Program support	217,709	226,377	222,617	233,946	310,483	160,515
Border enforcement	453,309	396,972	382,607	399,761	501,760	252,388
<b>Total</b>	<b>728,097</b>	<b>654,203</b>	<b>631,297</b>	<b>655,784</b>	<b>829,985</b>	<b>416,359</b>
<b>Laredo</b>						
General enforcement	30,279	25,342	24,199	19,884	19,664	6,036
Program support	182,963	188,928	165,711	75,005	210,034	105,349
Border enforcement	485,064	566,219	568,169	536,463	615,189	317,902
<b>Total</b>	<b>698,306</b>	<b>780,489</b>	<b>758,079</b>	<b>731,352</b>	<b>844,887</b>	<b>429,287</b>
<b>McAllen</b>						
General enforcement	40,662	47,543	45,016	39,511	23,261	10,395
Program support	279,164	358,910	355,743	353,511	418,905	214,308
Border enforcement	378,562	482,576	470,671	470,868	551,726	274,431
<b>Total</b>	<b>698,388</b>	<b>889,029</b>	<b>871,430</b>	<b>863,890</b>	<b>993,892</b>	<b>499,134</b>
<b>Southwest Border</b>						
General enforcement	419,199	380,789	322,534	267,648	184,802	62,654
Program support	2,334,749	2,723,182	2,535,755	2,816,572	3,413,689	1,987,705
Border enforcement	3,914,012	4,313,452	4,474,039	4,764,262	5,621,262	2,992,510
<b>Total</b>	<b>6,667,960</b>	<b>7,417,423</b>	<b>7,522,360</b>	<b>7,848,482</b>	<b>9,219,753</b>	<b>5,042,869</b>

Note: General Enforcement includes duties indirectly related to deterrence, detection, and apprehensions of illegal aliens, such as employer sanctions, criminal aliens and antismuggling activities. Program Support includes hours that support enforcement duties such as, air operations, intelligence, administrative/supervisory, special operations and training. Border Enforcement includes duties directly related to the deterrence, detection and apprehension of illegal aliens and interdiction of drugs and other contraband along the border, such as patrolling the immediate border area, traffic check, transportation check, and boat and air patrol.

Source: INS.

**Appendix III  
INS Border Patrol and Inspections Staffing  
and Selected Workload Data**

**Table III.4: Authorized Inspector Positions by Land Ports of Entry and INS District Offices Along the Southwest Border, Fiscal Years 1994 - 1997**

INS district and land ports of entry	Authorized inspectors FY 94	Authorized increases each year			Total increase FY 95-97	Percent	Total authorized inspectors FY 97
		FY 95	FY 96 <sup>a</sup>	FY 97			
<b>San Diego District</b>	301	64	220	80	364	46	665
San Ysidro (2)	199	64	142	24			
Tecate	4	0	19	0			
Calexico	94	0	45	48			
Andrade	4	0	14	8			
<b>Phoenix District</b>	104	8	106	8	122	15	226
San Luis	20	0	11	5			
Sasabe	3	0	15	0			
Nogales (2)	57 <sup>b</sup>	8	33	0			
Naco	5	0	13	0			
Lukeville	4	0	20	0			
Douglas	15	0	14	3			
<b>El Paso District</b>	163	11	108	0	119	15	282
Columbus	8	0	4	0			
Santa Teresa	0	0	10	0			
El Paso (2)	134 <sup>b</sup>	11	65	0			
Fabens	7	0	5	0			
Fort Hancock	3	0	1	0			
Presidio	11	0	8	0			
Ysleta	0	0	15	0			
<b>San Antonio District</b>	143	6	56	14	76	10	219
Laredo (3)	93 <sup>b</sup>	6	42	5			
Eagle Pass	26	0	7	6			
Del Rio (2)	24	0	7	3			
<b>Harlingen District</b>	158	21	46	48	115	14	273
Roma	24	0	2	0			
Rio Grande City	0	0	2	6			
Progreso	19	0	6	0			
Pharr	7	0	6	4			
Los Indios	0	0	1	6			
Los Ebanos	0	0	2	1			
Hidalgo	46	0	12	4			
Falcoln Heights	0	0	0	3			
Brownsville (2)	62 <sup>b</sup>	21	15	24			

(continued)

**Appendix III  
INS Border Patrol and Inspections Staffing  
and Selected Workload Data**

INS district and land ports of entry	Authorized inspectors FY 94	Authorized increases each year			Total increase FY 95-97	Percent	Total authorized inspectors
		FY 95	FY 96 <sup>a</sup>	FY 97			FY 97
<b>Total southwest border</b>	<b>869</b>	<b>110</b>	<b>536</b>	<b>150</b>	<b>796</b>	<b>100</b>	<b>1665</b>

Note: Some locations have more than one port of entry.

<sup>a</sup>Includes 136 inspector positions authorized in fiscal year 1994 and funded by land-border fees. According to INS officials, these inspectors were not hired until fiscal year 1996, due to delays in getting land-border fee regulations finalized.

<sup>b</sup>Includes one staff assigned to the district office.

Source: INS.

**Table III.5: INS Inspections, Selected Workload and Enforcement Data by Southwest Border District Offices, Fiscal Year 1994 Through First Half Fiscal Year 1997**

INS District Office	FY 94	FY 95	FY 96	First half FY 97
<b>San Diego</b>				
U.S. citizens inspected <sup>a</sup>	28,808,845	26,776,081	26,342,930	14,249,519
Aliens inspected <sup>a</sup>	63,152,638	59,387,840	57,278,208	30,065,972
Total persons inspected <sup>a</sup>	91,961,483	86,163,921	83,621,138	44,315,491
Pedestrians inspected		16,744,829	19,420,202	9,969,126
Vehicles inspected		28,094,028	26,152,680	13,941,527
Fraudulent documents intercepted	41,974	46,515	41,221	20,270
Oral false claims to U.S. citizenship	15,403	19,368	12,633	5,292
Individuals smuggled	6,565	5,377	6,581	4,207
<b>Phoenix</b>				
U.S. citizens inspected <sup>a</sup>	11,717,738	8,299,518	8,313,959	4,332,991
Aliens inspected <sup>a</sup>	23,268,288	23,072,110	23,035,160	11,897,583
Total persons inspected <sup>a</sup>	34,986,026	31,371,628	31,349,119	16,230,574
Pedestrians inspected		7,806,361	7,657,480	9,969,126
Vehicles inspected		8,951,615	8,984,091	13,941,527
Fraudulent documents intercepted	7,599	6,367	5,338	3,003
Oral false claims to U.S. citizenship	825	686	772	500
Individuals smuggled	279	253	427	241
<b>El Paso</b>				
U.S. citizens inspected <sup>a</sup>	27,230,751	24,975,450	22,481,928	11,180,053
Aliens inspected <sup>a</sup>	42,033,208	39,821,598	36,339,994	18,248,564
Total persons inspected <sup>a</sup>	69,263,959	64,797,048	58,821,922	29,428,617
Pedestrians inspected		4,578,798	4,571,073	2,213,165

(continued)

**Appendix III  
INS Border Patrol and Inspections Staffing  
and Selected Workload Data**

<b>INS District Office</b>	<b>FY 94</b>	<b>FY 95</b>	<b>FY 96</b>	<b>First half FY 97</b>
Vehicles inspected		18,143,401	17,529,375	8,833,279
Fraudulent documents intercepted	8,173	8,754	11,034	6,720
Oral false claims to U.S. citizenship	4,567	5,887	6,725	4,092
Individuals smuggled	751	599	611	388
<b>San Antonio</b>				
U.S. citizens inspected <sup>a</sup>	18,668,021	13,979,554	14,355,119	7,379,551
Aliens inspected <sup>a</sup>	39,567,895	41,165,203	39,708,171	21,462,035
Total persons inspected <sup>a</sup>	58,235,916	55,144,757	54,063,290	28,841,586
Pedestrians inspected		7,289,530	5,219,599	2,914,118
Vehicles inspected		11,454,275	13,026,781	6,383,029
Fraudulent documents intercepted	6,338	6,100	7,636	5,040
Oral false claims to U.S. citizenship	1,467	1,284	1,541	1,008
Individuals smuggled	1,559	1,224	1,349	706
<b>Harlingen</b>				
U.S. Citizens inspected <sup>a</sup>	20,831,853	12,920,985	12,849,749	7,073,072
Aliens inspected <sup>a</sup>	40,564,252	39,536,870	40,258,253	20,735,209
Total persons inspected <sup>a</sup>	61,396,105	52,457,855	53,108,002	27,808,281
Pedestrians inspected		7,348,097	1,943,636	4,189,713
Vehicles inspected		14,412,630	15,195,266	7,811,192
Fraudulent documents intercepted	9,176	7,100	9,681	5,386
Oral false claims to U.S. citizenship	1,264	1,549	1,702	773
Individuals smuggled	1,394	897	1,299	762
<b>Southwest Border</b>				
U.S. citizens inspected <sup>a</sup>	107,257,208	86,951,588	84,343,685	44,215,186
Aliens inspected <sup>a</sup>	208,586,281	202,983,621	196,619,786	102,409,363
Total persons inspected <sup>a</sup>	315,843,489	289,935,209	280,963,471	146,624,549
Pedestrians inspected		43,767,615	44,811,990	23,824,075
Vehicles inspected		81,055,949	80,888,193	41,553,145
Fraudulent documents intercepted	73,260	74,836	74,910	40,419
Oral false claims to U.S. citizenship	23,526	28,774	23,373	11,615
Individuals smuggled	10,548	8,350	10,267	6,304

<sup>a</sup>Estimate based on periodic sampling of the number of occupants per vehicles entering the port of entry.

Source: INS.

# Expert Panel Participants

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The following experts in research on illegal immigration issues participated in a panel discussion held at GAO in Washington, D.C. on March 28, 1997. They also reviewed portions of the draft report.

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# Indicators for Measuring the Effectiveness of the Strategy to Deter Illegal Entry Along the Southwest Border

Indicator	Source of data	Predicted outcome if AG's strategy is successful
<b>A. Flow across the Southwest border</b>		
Border Patrol apprehensions.	INS	1. Displacement of flow in accordance with Border Patrol strategy.  2. Increasing apprehensions at first; eventual reductions as control is gained.
Detection of illegal aliens crossing the border.	Border Patrol sector data:  1. Sensor hits. 2. Sign cuts. 3. Infrared and low-light television cameras.	Fewer aliens detected.  Fewer "gotaways."
Number of "gotaways."		
Recidivism (repeat apprehensions of aliens).	INS IDENT system.	Attempted reentries will decrease over time.
Probability of apprehension.	Multiple sources:	An increase in the probability of apprehension.
Difficulty in crossing border.	1. IDENT recidivism data.  2. Mexican Migration Project (MMP) provides annual data from Mexican migrants on the number of times they were captured on trips to the U.S. and places where they were apprehended.  3. Colegio de la Frontera Norte (COLEF) surveys of border crossers (Zapata Canyon Project and Survey of Migration to the Northern Border).  4. Focus group interviews in Mexico (Binational Study on Migration).	

**Appendix V  
Indicators for Measuring the Effectiveness  
of the Strategy to Deter Illegal Entry Along  
the Southwest Border**

<b>Findings</b>	<b>Limitations</b>	<b>Is indicator currently being measured?</b>	<b>Are there plans to measure indicator on ongoing basis?</b>
Mixed (see letter).	1. Measures event, not individuals. 2. Unclear relationship to actual flow of illegal aliens. 3. No information on those aliens who elude capture.	Currently collected along the entire southwest border.	Yes
Not determined.	No systematic methodology for measuring entries and gotaways; likely differs across sectors.  Measures event, not individuals.	Yes, in some places.	Yes
None yet	1. Limited IDENT implementation along southwest border. 2. No usable data preceding AG strategy, precluding a time-series analysis of its effectiveness. 3. Not yet clear how recidivism data will be used to model the flow. Several possible analytic models can be tested.	Yes, but not completely implemented along southwest border.	Yes
Analyses of MMP data show a decrease in the probability of apprehension through 1995.  Binational study data show increasing probability of apprehension in recent years.	Household surveys conducted in Mexico (e.g., the MMP) and surveys of migrants at points of entry and exit between the U.S. and Mexico (e.g., the Survey of Migration to the Northern Border) sample different subpopulations of migrants, who may differ in their likelihood of apprehension.  MMP data are only collected annually, and retrospective accounts of apprehensions may be biased.  There isn't consensus on the methodology for estimating probability of apprehension.	Yes	Yes

(continued)

**Appendix V**  
**Indicators for Measuring the Effectiveness**  
**of the Strategy to Deter Illegal Entry Along**  
**the Southwest Border**

Indicator	Source of data	Predicted outcome if AG's strategy is successful
Estimated number of illegal entry attempts at U.S. ports of entry (POE).	INS INTEX system — random checks of travelers at POEs.	An increase in the number of aliens attempting to enter illegally at POEs.
Alien smuggling: 1. Smuggling usage. 2. Smuggling costs. 3. Tactics of smugglers.	Multiple sources: 1. INS intelligence data as well as intelligence data from other federal and state agencies. 2. MMP data . 3. COLEF data. 4. Binational study.	An increase in smuggling fees and sophistication of smugglers. Smugglers may try other means of delivering aliens to destinations (e.g., using vans, small trucks, and tractor trailers).
Number of people in hotels and shelters in Mexican border cities.	INS intelligence information. Periodic surveys by interested organizations. Binational study site visits.	An increase in the number of people in hotels and shelters in Mexican border cities.
Crime in U.S. border cities.	Local crime data.	Less crime in U.S. border cities.

**Appendix V  
Indicators for Measuring the Effectiveness  
of the Strategy to Deter Illegal Entry Along  
the Southwest Border**

<b>Findings</b>	<b>Limitations</b>	<b>Is indicator currently being measured?</b>	<b>Are there plans to measure indicator on ongoing basis?</b>
INTEX not yet implemented.	The causes of illegal POE entries may be difficult to disentangle. For example, increased illegal attempts may reflect more effective Border Patrol strategies between the ports, an increase in the flow of illegal migrants, or simply a more effective inspection strategy at the POE.  INTEX methodology is still being tested.	No	Yes
According to INS Intelligence, smuggling fees are increasing.  Binational study data suggest a rise in more organized smuggling rings.	Changes in smuggling fees and tactics may indicate that border crossing is more difficult. However it does not necessarily indicate that migrants are less successful at entering.	Yes	Yes
Mixed.  INS reports that migrant shelters in Mexican border cities are filling up, and people are staying longer.  Binational study site visits found no "backup" in Tijuana as result of enforcement efforts in San Diego.	Number of people in hotels and shelters may be affected by economic opportunities in border cities.	Not clear how systematically data are collected across the southwest border.	Yes
There was a reduction in "nuisance" crimes by juveniles and young adults after implementation of Operation Hold-the-Line in El Paso, according to 1994 Commission on Immigration Reform Study.  According to an INS analysis, property and violent crime rates dropped between 1994 and 1995 in San Diego.	Crime may be dropping overall, regardless of effects of border strategy. Need to control for such effects using time-series analyses.  However, drops in specific types of crime (e.g., property crime, car thefts) may be best indicators of drops in crimes committed by aliens.	Not clear how systematically data are collected across the southwest border.	Unknown

(continued)

**Appendix V  
Indicators for Measuring the Effectiveness  
of the Strategy to Deter Illegal Entry Along  
the Southwest Border**

<b>Indicator</b>	<b>Source of data</b>	<b>Predicted outcome if AG's strategy is successful</b>
Use of public services in U.S. border cities.	State and local sources.  Hospitals, local school districts, local welfare departments.	A decrease in public service usage in border cities.
Deaths of aliens attempting entry.	County death records.  Death records in Mexico.  University of Houston Center for Immigration Research reports (1996, 1997).	Depends on how enforcement resources are allocated. In some cases, deaths may be reduced or prevented (by fencing along highways, for example). In other cases, deaths may increase (as enforcement in urban areas forces aliens to attempt mountain or desert crossings) .
Assaults against INS agents.	INS statistics.	A higher incidence of violence against INS agents as crossing efforts of illegal aliens are frustrated.
Abuses of aliens by INS officers.	DOJ.  Advocacy groups.	May vary, depending on type of enforcement effort.

**Appendix V  
Indicators for Measuring the Effectiveness  
of the Strategy to Deter Illegal Entry Along  
the Southwest Border**

<b>Findings</b>	<b>Limitations</b>	<b>Is indicator currently being measured?</b>	<b>Are there plans to measure indicator on ongoing basis?</b>
Commission on Immigration Reform found some reductions in public service usage in the first few months after implementation of Operation Hold-the-Line in El Paso.	Need to control for long-term trends in these indicators, using time-series analyses.	Not clear how systematically data are collected across the southwest border.	Unknown
Center for Immigration Research Study (1997) found no overall increase in the number of deaths of illegal aliens, but found increasing number of deaths from environmental exposure (falls, hypothermia, dehydration).	Can be difficult to identify if deceased is an undocumented migrant.  Problems of undercount—some proportion of deaths in remote areas will go undiscovered.	Data not collected on systematic basis along southwest border.	Unknown
Assaults on Border Patrol agents up 40% from fiscal year 1994 to fiscal year 1996. Numbers vary considerably across sectors.	Violence may increase if INS is able to frustrate drug traffickers. But drug trafficking may be only somewhat related to alien smuggling. Frustrating drug traffickers does not necessarily imply success in deterring illegal alien traffic.	Yes	Yes
U.S. Commission on Immigration Reform found reductions in complaints against Border Patrol agents after implementation of Operation Hold-the-Line in El Paso (1994).  Human rights organizations have complained about higher abuse rates in other sectors.	Potential for underreporting of abuse incidents by victims.	Yes	Yes

(continued)

**Appendix V**  
**Indicators for Measuring the Effectiveness**  
**of the Strategy to Deter Illegal Entry Along**  
**the Southwest Border**

<b>Indicator</b>	<b>Source of data</b>	<b>Predicted outcome if AG's strategy is successful</b>
<b>B. Flow to Southwest border (deterrence)</b>		
Probability of taking a first illegal trip to the U.S.	MMP surveys of migrant communities in Mexico.	Decreasing probability of first-timers migrating without documents.
Probability of taking additional illegal trips.	Results of focus groups conducted in Mexico (Binational Study on Migration).	Decreasing probability that experienced migrants will take additional trips.
Trends in applications for temporary visas and border-crossing cards.	INS. U.S. Department of State.	An increase in applications for border-crossing cards and nonimmigrant visas.
Departures and arrivals at airports in Mexican cities along the Southwest border.	Where available from Border Patrol officials in each sector.	Roughly equal number of departures and arrivals in border areas where Border Patrol has successfully deterred entry (more arrivals than departures in areas where the border has not yet been secured).
Changes in traffic through Mexico of illegal aliens from countries other than Mexico.	Mexican intelligence sources. INS Intelligence information	Reduced traffic of aliens from other countries through Mexico or longer durations of stays in Mexico by these aliens.

**Appendix V  
Indicators for Measuring the Effectiveness  
of the Strategy to Deter Illegal Entry Along  
the Southwest Border**

<b>Findings</b>	<b>Limitations</b>	<b>Is indicator currently being measured?</b>	<b>Are there plans to measure indicator on ongoing basis?</b>
Some published research shows probability of migration is not strongly correlated with INS enforcement efforts. INS enforcement may make migrants already in the migration stream more likely to take trips to the U.S., to recoup losses from earlier apprehensions.	<p>The probability of taking first or additional trip is influenced by a number of factors besides INS efforts at the border, including economic conditions in Mexico and the U.S., social networks in U.S., and availability of legal modes of entry.</p> <p>MMP Data are not representative of the immigrant population in the U.S. and may underrepresent new sending areas in southern Mexico. Retrospective survey design. Data only collected annually.</p>	Yes	Yes
Not determined.	<p>Application rates may simply be indicators of greater economic difficulties in Mexico and other sending countries, rather than indicators of deterrence of migrants from attempting illegal modes of entry.</p> <p>The 1996 Act mandates that border-crossing cards be replaced by biometric border-crossing cards within 3 years. This may make trends difficult to interpret.</p>	Yes	Yes
Not determined.	<p>Data are not consistently available.</p> <p>Data do not distinguish between trips made to Northern Mexico in order to cross border with trips made in order to work (in maquiladora industries, for example) or settle.</p>	Not determined.	Unknown
Not determined.	Depends on reliability and generalizability of intelligence information.	Not determined.	Unknown

(continued)

**Appendix V  
Indicators for Measuring the Effectiveness  
of the Strategy to Deter Illegal Entry Along  
the Southwest Border**

<b>Indicator</b>	<b>Source of data</b>	<b>Predicted outcome if AG's strategy is successful</b>
<b>C. Number of undocumented aliens in the U.S.</b>		
Estimates of the stock of illegal residents in the United States.	Published analyses based on INS and Census Bureau data.	An eventual reduction in the overall stock of illegal residents in the U.S.
Number of undocumented sojourners	Published MMP analyses.  COLEF Survey of Migration to the Northern Border.	A decreased flow of illegal sojourners to the U.S.
Estimates of overstays of legal visas.	INS analyses; Nonimmigrant Overstay Method (matches record of arrival forms with departure forms).  By fiscal year 1999, INS is required to have in place a system to track all entries and exits from the U.S.	An increase in the number of aliens, specifically Mexican nationals, who try to enter legally and overstay, in an effort to get around border enforcement.
Labor supply and wages in sectors of the economy where illegal aliens tend to work.	National Agricultural Workers Survey (NAWS).	A labor shortage or higher wages in an industry that has traditionally hired undocumented workers.
Number of undocumented aliens found in INS employer inspections.	INS.	A decrease in the number of undocumented workers who are recent arrivals to the U.S. found in INS employer inspections.

**Appendix V  
Indicators for Measuring the Effectiveness  
of the Strategy to Deter Illegal Entry Along  
the Southwest Border**

<b>Findings</b>	<b>Limitations</b>	<b>Is indicator currently being measured?</b>	<b>Are there plans to measure indicator on ongoing basis?</b>
INS estimated 5 million illegal residents in 1996, up from 3.9 million in 1992.	<p>Current surveys generally measure only long-term residents (those who have been in the U.S. for at least 1 year).</p> <p>Estimates differ based on assumptions made about undercount and the emigration of illegal residents.</p> <p>Difficult to determine the specific causes of changes in the stock (e.g., better border enforcement, better worksite enforcement, shrinking potential migrant populations, etc.).</p>	Yes, periodically.	Unknown
Unclear. COLEF data suggest that inflow and return flow of both documented and undocumented migrants might have decreased in recent years, but analyses do not distinguish between the two groups.	<p>Unrepresentativeness of samples.</p> <p>Successful deterrence may have perverse results—with aliens spending longer time in the U.S. on any one illegal visit. Fewer border crossings, but an overall increase in illegal aliens in the U.S.</p>	Yes	Yes
According to INS, about 40 percent of undocumented immigrants in the U.S. enter with a nonimmigrant visa.	GAO has reported on some problems in estimating visa overstays: estimates are likely to be more accurate for those who enter and leave by air.	INS has not had capability to produce reliable estimates since 1992.	Unknown
The proportion of illegal aliens in agriculture has increased between 1988 and 1995.	<p>Growing proportions in agriculture may reflect replacement of special agricultural workers legalized after passage of the Immigration Reform and Control Act.</p> <p>NAWS data are not generalizable to sectors other than agriculture.</p>	Yes	Yes
Not determined.	The number of undocumented workers discovered is also a function of the amount of emphasis by INS on worksite enforcement.	Yes	Yes

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**Appendix V**  
**Indicators for Measuring the Effectiveness**  
**of the Strategy to Deter Illegal Entry Along**  
**the Southwest Border**

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Source: GAO analysis.

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# Description of Selected Immigration Research Projects

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Several ongoing and recently completed research projects have collected data on the flow of undocumented migrants across the border, as well as information on migrants' background characteristics, labor market experience in country of origin and the United States, and potential migrants' intentions to take undocumented trips to the United States.

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## The Mexican Migration Project

The Mexican Migration Project was funded by the National Institute of Child Health and Human Development to create a comprehensive binational dataset on Mexican migration to the United States. The project is directed by Jorge Durand of the University of Guadalajara (Mexico), and Douglas S. Massey of the University of Pennsylvania. Two to five Mexican communities were surveyed each year during December and January of successive years using simple random sampling methods. The sample size was generally 200 households unless the community was under 500 residents, in which case a smaller number of households were interviewed. If initial fieldwork indicated that U.S. migrants returned home in large numbers during months other than December or January, interviewers returned to the community during those months to gather a portion of the 200 interviews.

These representative community surveys yielded information on where migrants went in the United States, and during the months of July and August interviewers traveled to those U.S. destinations to gather nonrandom samples of 10 to 20 out-migrant households from each community. The U.S.-based samples thus contain migrants who have established their households in the United States.

The communities were chosen to provide a range of different sizes, regions, ethnic compositions, and economic bases. The sample thus includes isolated rural towns, large farming communities, small cities, and very large metropolitan areas; it covers communities in the states of Guanajuato, Michoacan, Jalisco, Nayarit, Zacatecas, Guerrero, Colima, and San Luis Potosi; and it embraces communities that specialize in mining, fishing, farming, and manufacturing, as well as some that feature very diversified economies.

The study's questionnaire followed the logic of an ethnosurvey, which blends qualitative and quantitative data-gathering techniques. A semi-structured instrument required that identical information be obtained for each person, but question wording and ordering were not fixed. The precise phrasing and timing of each query was left to the judgment of the

interviewer, depending on circumstances. The design thereby combined features of ethnography and standard survey research.

The ethnosurvey questionnaire proceeded in three phases, with the household head serving as the principal respondent for all persons in the sample. In the first phase, the interviewer gathered basic social and demographic information on the head, spouse, resident and nonresident children, and other household members, including age, birthplace, marital status, education, and occupation. The interviewer then asked which of those enumerated had ever been to the United States. For those individuals with migrant experience, the interviewer recorded the total number of U.S. trips as well as information about the first and most recent U.S. trips, including the year, duration, destination, U.S. occupation, legal status, and hourly wage. This exercise was then repeated for first and most recent migrations within Mexico.

The second phase of the ethnosurvey questionnaire compiled a year-by-year life history for all household heads, including a childbearing history, a property history, a housing history, a business history, and a labor history. The third and final phase of the questionnaire gathered information about the household head's experiences on his or her most recent trip to the United States, including the mode of border-crossing, the kind and number of accompanying relatives, the kind and number of relatives already present in the United States, the number of social ties that had been formed with U.S. citizens, English language ability, job characteristics, and use of U.S. social services.

Data at the community and municipio (county) levels were also collected, using several sources. First, since 1990, interviewers have used a special community questionnaire to collect and compile data from various sources in each community. Next, data were compiled from the Anuario Estadístico of 1993, published in Mexico by INEGI (el Instituto Nacional de Economía, Geografía e Informática). Finally, data were compiled from the published volumes of the Mexican censuses for 1930, 1940, 1950, 1960, 1970, 1980, and 1990. These decennial census data were then interpolated for years between the censuses and extrapolated for years after 1990.

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## Strengths

Strengths include the large number and diversity of households and communities represented in the samples and the breadth of information collected. The retrospective nature of the survey allows for analysis of migration flows over a long period of time. The survey is a representative

sample of communities in states in Western Mexico that have been the traditional sending areas of Mexico; it captures both migrants that are living in the United States as well as persons who have been in the United States but live in Mexico.

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**Limitations**

One limitation is the representativeness of the sample. The Mexican sample underrepresents those states in Mexico that have only recently become sources of U.S. migration, including states in southern Mexico and states bordering the United States. The U.S. subsample may undersample people with little connection to their community of origin, or those who have moved to nontraditional locations in the United States. In addition, information on other household members collected from the head of the household may be inaccurate, and retrospective data on migration experience may be biased in that respondents may attribute events that occurred to the incorrect time period or recall more recent events more accurately than past events.

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**The Zapata Canyon Project**

Since September 1987, the ongoing Zapata Canyon Project has conducted personal interviews with randomly selected undocumented immigrants preparing to cross the border between Mexico and the United States. Interviews are conducted 3 days per week—usually weekends—at habitual crossing points of undocumented immigrants in the Mexican border cities of Tijuana, Mexicali, Ciudad Juarez, Nuevo Laredo, and Matamoros. The survey employs a short, standardized questionnaire specifically designed not to take too much time from someone who is in the process of entering the United States illegally. The project is directed by Jorge Bustamante of El Colegio de la Frontera Norte (COLEF), in collaboration with Jorge Santibanez and Rodolfo Corona.

The surveys include information on the demographic characteristics of migrants, prior labor experience in Mexico and the United States, location of border crossing, cost of the trip to the border, whether a smuggler was used for crossing, how many times migrants were apprehended by the INS, and reasons for making the trip.

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**Strengths**

The survey provides extensive time series information on illegal border crossing and can be used for examining changes in sociodemographic characteristics of border crossers.

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**Limitations**

The Zapata Canyon data may not come from a representative sample of undocumented migrants. Thus, it is not possible to estimate the volume of the undocumented flow from Mexico. The survey does not focus on the extent of return migration from the United States to Mexico. A limited number of questions can be asked of migrants who are in a hurry to make a clandestine crossing into the United States.

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**Survey of Migration to the Northern Border**

This survey, also known as EMIF (Encuesta sobre Migración en la Frontera Norte de México), was funded by the World Bank through the Mexican Ministry of Labor and the Ministry of the Interior's National Council for Population. A team of researchers from El Colegio de la Frontera Norte, directed by Jorge Bustamante, designed and administered the survey. The survey was designed to produce direct estimates of the volume of documented and undocumented migration flows from Mexico to the United States as well as return migration from the United States to Mexico.

The survey methodology derives from the theoretical concept of circular migration and is based on an adaptation of what biological statisticians call the "sampling of mobile populations." The team identified the "migratory routes" through which circular migration occurred and defined empirical points of observation where migration could be viewed, including bus stations, airports, railroad stations, and customs and immigration inspection places along highways. In these places, systematic counts of the number of migrants were made over specific periods of time. The survey was conducted continuously from March 28, 1993, to March 27, 1994; from December 14, 1994, to December 13, 1995; and from July 14, 1996, to July 13, 1997.

The survey sampled four groups of migrants: (1) illegal migrants voluntarily deported from the United States by the INS; (2) illegal and legal migrants preparing to cross the border from Mexico to the United States; (3) Mexican nationals who were permanent residents of the United States and were returning to Mexico; and (4) permanent residents of Mexico who have been in the United States legally or illegally and were returning to Mexico.

The survey includes questions on the demographic characteristics of migrants, prior labor experience in Mexico and the United States, prior legal and illegal border crossing experience (including number of previous crossings, whether documents were used to cross, number of times

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apprehended by INS, location of border crossings, whether smugglers were used for crossing, and how much was paid to them), and reasons for making the current trip.

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**Strengths**

The survey provides information on legal and illegal flow in both directions—from Mexico to the United States, and from the United States to Mexico.

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**Limitations**

The survey focuses only on labor migrants; nonlabor migrants are not interviewed. Data collection has recently been completed; however, the study directors have applied for additional funding to continue the survey.

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**The United States-Mexico Binational Study on Migration**

After a meeting of the Migration and Consular Affairs Group of the Mexican-United States Binational Commission in March 1995, the governments of Mexico and the United States decided to undertake a joint study of migration between the two countries. The Binational Study was funded by both the United States and Mexican governments in conjunction with private sector funding in both countries. The main objective of the Binational Study was to contribute to a better understanding and appreciation of the nature, dimensions, and consequences of migration from Mexico to the United States. National coordinators were designated for each country, with the Commission on Immigration Reform coordinating the work of U.S. researchers. The Binational Study was released on September 2, 1997.

The research was conducted by a team of 20 independent researchers, 10 from each country, who reviewed existing research, generated new data and analyses, and undertook site visits and consulted with migrants and local residents to gain a joint understanding of the issues raised in this study. The researchers participated in five teams studying different aspects of migration, including (1) the size of the legal and illegal Mexican-born population in the United States, and the size of the migration streams crossing the border; (2) demographic, educational, and income characteristics of Mexican-born migrants; (3) factors influencing migration from Mexico; (4) economic and social effects of migration on both the United States and Mexico; and (5) societal responses to migration in both the United States and Mexico, including legislation and policy responses, court decisions, advocacy from the private sector, and public opinion.

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**Appendix VI  
Description of Selected Immigration  
Research Projects**

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**Strengths**

The study analyzed a broad number of issues relating to illegal and legal immigration. Its use of a combination of data from both the United States and Mexico enhanced understanding of Mexican migration and its impacts on both countries. The study made a number of specific recommendations for needed research.

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**Limitations**

Data limitations often constrained the study teams' abilities to draw firm conclusions on many issues. Data collection and analysis has been completed, and there are no mechanisms in place for follow-up.

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